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(Recd Nov 3<sup>rd</sup> / 94) *10/25*  
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MANUAL

FOR

ELECTION OFFICERS AND VOTERS

IN THE

STATE OF NEW YORK,

CONTAINING THE

General Election Law and Town Meeting Law

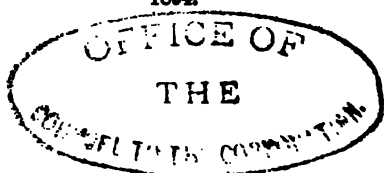
COMPLETE WITH AMENDMENTS TO DATE.

ALSO PROVISIONS OF THE PENAL CODE, GENERAL LAWS AND  
CONSTITUTION OF THE STATE OF NEW YORK RELATING  
TO ELECTIONS AND ELECTIVE OFFICERS,

WITH NOTES, FORMS AND INSTRUCTIONS.

By F. G. JEWETT,  
CLERK TO THE SECRETARY OF STATE.

ALBANY:  
MATTHEW BENDER,  
1894.





340397

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1894

F. G. JEWETT.

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★N. Y. City Comptroller

16, Nov. 04

NOV 16 1894  
CLERK  
N. Y. C.

## PREFACE TO SECOND EDITION.

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The first edition of this manual having met with such favorable reception, and it having been suggested to the compiler by many prominent State officials that he should embrace in a new edition *all the provisions* of the General Election Law and Town Meeting Law, together with such other provisions of the general laws and Penal Code as relate to elections, he now respectfully submits this compilation.

In placing this volume in your hands, it seems proper that an explanation of the plan adopted should be presented.

The plan of this work has been to arrange the different laws contained herein under subjects, and to make each subject complete in itself, thus enabling one to ascertain, at a glance, all the provisions of the laws bearing upon any particular subject classified herein.

Every effort has been made to secure accuracy in this work. Each section of law has been carefully compared with the originals on file in the office of the Secretary of State and the original section number placed at the end of each head note.

F. G. JEWETT.

ALBANY, N. Y., *August 15, 1894.*



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# INSPECTORS OF ELECTION, POLL CLERKS AND BALLOT CLERKS,

THEIR

QUALIFICATIONS, APPOINTMENT, ELECTION,  
TERMS AND COMPENSATION.

---

## **Qualifications for holding office.**

“No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, be of full age, a citizen of the United States, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised.” (§ 3, *Public Officers' Law*, chap. 681, *Laws* 1892.)

## **Inspectors, poll clerks and ballot clerks for cities except New York and Brooklyn.**

“All inspectors of election, poll clerks and ballot clerks, in the various cities of this state, except the cities of New York and Brooklyn, shall hereafter be appointed by the mayor of such city, who shall also have power to fill all vacancies which may, from any cause, arise. It shall be the duty of the mayor of each city, except the cities of New York and Brooklyn, annually, on the first Tuesday of September, to appoint four inspectors of election, two poll clerks, and two ballot clerks for each election district in

**Party  
representa-  
tion.**

**List of per-  
sons quali-  
fied.**

**Vacancies.**

said city, who shall hold office for the term of one year from such Tuesday ; and in cities where a charter or municipal election is held at a time other than that at which a general election is held, the mayor shall appoint four inspectors of election, two poll clerks and two ballot clerks for each election district in said city, at least sixty days before such charter or municipal election is held, for the purposes of charter or annual elections, who shall hold office for one year from the date of their appointment. Two of the said inspectors of election, one of the said poll clerks and one of the said ballot clerks, for each district, shall belong to the same political party or be of the same political faith and opinion on state and national issues as the political party which shall have polled the highest number of votes for state officers at the last preceding general election, and the other two of said inspectors of election and the other poll clerk and ballot clerk shall belong to and be of the same faith and opinion on state and national issues as the other political party which shall have polled next to the highest number of votes for state officers at the last preceding general election. On or before the tenth day of August in each year, and in cities where a charter or municipal election is held at a time other than that at which a general election is held, at least ninety days before such charter or municipal election is held, the chairman and secretary of the general city committee of each of the said several political parties, in cities where there is a general city committee, and in cities where there is no such committee then by the chairman and secretary of the general county committee, or the chairman and secretary of a committee performing the same duties as a general city or county committee under a different name, may make and file with the said mayor a list of persons qualified to be such inspectors, poll clerks and ballot clerks, and thereupon appointments shall be made by the mayor, as hereinbefore provided, from the persons named in such list or lists. If vacancies occur the said chairman and secretary of the said committee may submit the names of other persons in like manner, and thereupon appointments

shall be made by the mayor as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named as aforesaid shall not be qualified the chairman and secretary of the committee by whom they were named may, within ten days after notice to them of the persons so disqualified, submit the names of other persons duly qualified, and thereupon the appointments shall be made by the mayor as hereinbefore provided from the persons named in such list or lists. If more than one list for any political party is submitted to the mayor, the appointment shall be made from the list if any submitted by the organization of such party recognized as regular by the state convention of such party held next before such tenth day of August; or if the regularity of any of the organizations of a party submitting two or more such lists shall have not been passed on by such state convention of such party, then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention. All persons so appointed inspectors of election, poll clerks or ballot clerks shall be citizens of the United States and of the state of New York, of good character, not previously convicted of crime, and able to read, write and speak the English language understandingly, qualified voters in the ward within which they are appointed to act, and not candidates for any office to be voted for by the electors of the election district for which they shall be appointed. The list or lists of names so submitted shall be published in the official newspapers published in cities having the same, and in cities where there are no official newspapers, or where such official newspapers represent but one of the two principal political parties, then in two daily newspapers published in such city having the largest circulation, and which shall represent, respectively, the two political parties which cast at the last preceding election the largest and next to the largest number of votes, and the expense of such publication shall be paid by the city in which such publication is made. The persons so appointed shall be

Appoint-  
ments from  
lists.

Qualifica-  
tions of  
appointees.

Publication  
of lists.

Oath of  
office.



Certificate  
of appoint-  
ment.

Terms of  
appointees  
to fill  
vacancies.

Violations.

notified, and shall each take and subscribe before the said mayor, within twenty days of the date of the notice of appointment, the constitutional oath of office. Whoever shall be appointed and sworn into office as inspector of election, poll clerk or ballot clerk, shall receive a certificate of appointment from the mayor, said certificate to be in such form as shall be prescribed by the said mayor, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. Provided, that any inspector of election, poll clerk or ballot clerk who shall, at any time, be appointed to fill a vacancy, which fact shall be stated in a certificate of appointment, shall hold office only during the unexpired term of his predecessor. Any person violating any of the foregoing provisions shall be deemed guilty of a misdemeanor, and shall be liable to punishment therefor." (§ 11, *Election Law, thus amended by chap. 348, Laws 1894.*)

#### Eligibility of inspectors in towns.

Must be  
able to read  
or write.

"Every elector of the town shall be eligible to any town office, except inspectors of election shall also be able to read or\* write. \* \* \* " (*Extract from Town Law, § 50, chap. 569, Laws of 1890.*)

#### Election of inspectors in towns.

Two in-  
spectors to  
be elected.

"There shall be elected at the annual town meeting in each town, by ballot, \* \* \* and two inspectors of election for each election district in the town \* \* \* All such officers, except justice of the peace, shall hold their respective offices until others are elected in their place and have qualified." (*Extract from Town Law, § 12, chap. 569, Laws 1890, as amended by chap. 344, Laws 1893.*)

#### Appointment of additional inspectors in towns.

Appoint-  
ment, by  
presiding  
officer.

"The presiding officer of each annual town meeting shall, immediately after the votes are canvassed, appoint by writing, two additional inspectors of election for each election district, to be associated with the two inspectors who shall

---

\* So in the original.

have been elected, and which inspectors, so to be appointed, shall be those two persons in each election district who shall have received the highest number of votes next to the two persons who shall have been elected inspectors, and which inspectors, so to be appointed, shall belong to and be of the same political faith and opinion on state and national issues as one or the other of the two political parties which, at the last preceding general election for state officers, shall have cast the greatest and next to the greatest number of votes in said town, but they shall not belong to the same political party nor be of the same political faith and opinion on state and national issues as the inspectors who shall have been elected. If the two inspectors elected belong to different political parties, the inspectors appointed shall be the two candidates for inspectors not elected and receiving the highest and next to the highest number of votes respectively, and belonging to different political parties. No ballot shall be counted upon which more than two names for inspector for any one election district shall appear. The various election inspectors elected, or elected and appointed, for towns, under the provision of existing laws, shall continue to serve as such inspectors until January first, eighteen hundred and ninety-five. On or before the second Tuesday in September next the several election inspectors in the various towns, appointed under the provisions of existing laws, shall each appoint one additional election inspector, who shall serve with the other three election inspectors during their term of office; such appointment shall be made in writing and filed in the office of the town clerk. Such additional inspector shall belong to and be of the same political faith on state and national issues as the political party which at the last preceding town meeting shall have cast next to the highest number of votes, and when possible shall be one of the persons who, at the said town meeting, received next to the highest number of votes for election inspector. The additional inspector so appointed shall be subject to the provisions of existing laws, and of this act." (§ 19, *Town Law, thus amended by chap. 348, Laws 1894.*)

Party  
representa-  
tion.

Powers as  
to counting  
ballots.

Appoint-  
ments by  
inspector  
in 1894.

### Form for appointment of additional inspectors in towns.

Form for  
appoint-  
ment.

"We, the presiding officers of the annual town meeting, held in the town of....., on the....day of....., 189.., do hereby appoint A B and C D in election district No. 1, E F and G H in election district No. 2, and I J and K L in election district No. 3, in said town, inspectors of election in said districts, respectively, to be associated with the two persons in each of said districts, respectively, who have this day been elected inspectors of elections for the ensuing year.

Dated at....., this....day of....., 18..

(To be signed by a majority of the presiding officers and filed with the town clerk.)

### Term of office of inspectors in towns.

Term one  
year.

"Inspectors of election and constables, when elected, shall hold their respective offices for one year, \* \* \*

Proviso up-  
on change  
of time of  
town meet-  
ing.

But whenever there is or shall be a change in the time of holding town meetings in any town, persons elected to such offices at the next annual town meeting after such change shall take effect, shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until the next annual town meeting thereafter or until their successors are elected and have qualified." (Extract from *Town Law*, § 13, chap. 569, *Laws* 1890, as amended by chap. 344, *Laws* 1893.)

### Town inspectors in Kings county.

Three in-  
spectors of  
election.

"The town officers of each town in counties containing six hundred thousand or more inhabitants, as determined by the last preceding federal or state enumeration of the inhabitants taken prior to any election of town officers, shall be \* \* \* also three inspectors of election for each election district, and such other officers as are or may be provided by or in pursuance of law." (Extract from *Town Law*, § 220, chap. 569, *Laws* of 1890, as amended by chap. 387, *Laws* 1893.)

**Election of town inspectors in Kings county.**

"The said town officers shall be elected by ballot by the <sup>Annual election.</sup> electors of each town at the annual town meeting held next preceding the general election at which they would have been elected under the present existing laws." \* \* \* (*Town Law, § 221, chap. 569, Laws 1890, as amended by chap. 387, Laws 1893.*)

**Term of office of town inspectors in Kings county.**

"The supervisor shall hold office for the term of two <sup>Term one year.</sup> years; \* \* \* inspectors of election one year, all from the first day of January." (*Extract from Town Law, § 222, chap. 569, Laws of 1890, as amended by chap. 387, Laws 1893.*)

**Town inspectors in Queens county, election and appointment of.**

"In the county of Queens, the officer required by law to <sup>Two in-</sup> furnish the official ballots in towns which hold their annual <sup>spectors to</sup> meeting in election districts shall cause to be printed on the <sup>be elected.</sup> official ballots for each of such districts, the names of the candidates for inspectors of election of such district only, and an elector therein shall be entitled to vote for two inspectors, who, if elected, are to act therein. The justices <sup>Appoint-</sup> of the peace and town clerk of each town in such county <sup>ment of</sup> shall immediately after the votes are canvassed by them, <sup>third in-</sup> appoint by writing, another inspector of election for each <sup>spector.</sup> election district, to be associated with the two elected, to be selected from the two persons in each election district who shall have the highest number of votes, next to the two inspectors elected." (*Extract from Town Law, § 19, chap. 569, Laws of 1890, as amended by chap. 633, Laws 1893.*)

**Oath of office of inspectors in towns.**

"Every person elected or appointed to any town <sup>Oath to be</sup> office, except justice of the peace, shall before he enters on <sup>taken with-</sup> the duties of his office, and within ten days after he <sup>in ten days.</sup>

shall be notified of his election or appointment, take and subscribe before some officer authorized by law to administer oaths in his county, the constitutional oath of office, and such other oath as may be required by law, which shall be administered and certified by the officer taking the same without reward, and shall within eight days be filed in the office of the town clerk, which shall be deemed an acceptance of the office; and a neglect or omission to take and file such oath, or a neglect to execute and file, within the time required by law, any official bond or undertaking, shall be deemed a refusal to serve, and the office may be filled as in case of vacancy." (§ 51, *Town Law, chap. 567, Laws of 1890.*)

To be filed within eight days.

Neglect to file oath.

Form of oath for elected inspectors of election.

Form of oath for elected inspector.

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election, according to the best of my ability." "And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote."

(Signed).....

Subscribed and sworn before me, }  
this....day of.....189.. }

.....

Form of oath for appointed inspectors of election.

Form of oath for appointed inspector.

I do solemnly swear I will support the constitution of the United States and the constitution of the state of New

York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability.

(Signed).....

Subscribed and sworn to before me, {  
this....day of.....189.. }

.....

(Inspectors in towns should take the above oaths before some officer authorized by law to administer oaths in the county, within ten days after being notified of appointment, and within eight days file the same in the office of the town clerk. The result of the canvass read at a town meeting is a notice of election to an inspector whose name is upon the poll-list. If his name does not appear as a voter on the poll-list the town clerk must notify him within ten days. Inspectors in cities should take and file oath in accordance with the provisions of the various city charters.)

#### Filling of vacancies other than at meetings of inspectors by town board.

"When a vacancy shall occur or exist in any town office, <sup>Town board may fill vacancy</sup> the town board or a majority of them may, by an instrument under their hands and seals, appoint a suitable person to fill the vacancy, and the person appointed, except justices of the peace, shall hold the office until the next annual town meeting. \* \* \* The board making the <sup>Appointment to be filed.</sup> appointment shall cause the same to be forthwith filed in the office of the town clerk, who shall forthwith give notice to the person appointed" \* \* \* (§ 65, *Town Law, chap. 569, Laws of 1890.*)

"A vacancy in a board of inspectors of election may be filled <sup>Who may be appointed.</sup> by the town board by the appointment of any person qualified, but the two principal political parties should be represented on the board of inspectors." (*Opinion Attorney-General.*)

#### Form for appointment, by town board, of inspectors to fill vacancies.

"A B is hereby appointed inspector of election in and <sup>Form for appointment.</sup> for District No....., in the town of....., to fill

the vacancy occasioned by the neglect of C D to take and file oath (or occasioned by the death, removal or inability to serve, as the case may be of C D).

Given under our hands and seal this }  
 .... day of ..... , 18.. }

D E, *Supervisor.* [L. s.]  
 R O, *Town Clerk.* [L. s.]  
 K L, [L. s.]  
 H I, [L. s.]  
 P R, [L. s.]

*Justices of the Peace.*

(The above to be forthwith filed in the town clerk's office.)

**Organization of boards of inspectors ; supplying vacancies and absences.**

**Chairman.** " Before otherwise entering upon their duties, the inspectors of each district shall meet and appoint one of their number chairman ; or, if a majority shall not agree in such appointment, they shall draw lots for that position. If at the time of any meeting of the inspectors there shall be a vacancy in the office of any inspector, or if any inspector shall be absent from any such meeting, the inspector or inspectors present shall appoint a qualified elector of the district who shall be a member of the same political party as the absent inspector, to fill such vacancy or to act as inspector in the place of such absent inspector, until such absent inspector shall appear. If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified voters of the district to fill such vacancies, or to act in the place of such inspectors respectively until the absent inspectors respectively appear. If, at any time, there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of

**Filling of vacancies and absences by inspectors.**

**Filling of vacancies and absences by voters.**

**Vacancies and absence in office of poll clerk or ballot clerk.**

the same political party as the absent poll clerk or ballot clerk, to fill such vacancy, to act as such poll clerk or ballot clerk, as the case may be, in the place of such absent poll clerk or ballot clerk until such absent poll clerk or ballot clerk shall appear. Such appointments and designations shall be made from the political parties polling the highest and next highest number of votes for state officers at the next preceding general election for such officers, and so that not more than two of such inspectors shall belong to the same political party. Every person so appointed or designated to act as inspector shall take the oath of office required of inspectors of election. This section shall not apply to the city of Brooklyn." (§ 15 of *Election Law* of 1892. Thus amended by chap. 348, *Laws* 1894.)

Appoint-  
ments, etc.,  
how made.

Oath of  
office.

**Appointment of presiding officer at town meetings,  
in case of absence.**

"The justices of the peace present thereat shall preside at town meetings; in case none of them are present the voters present shall choose a presiding officer." (*Opinion Attorney-General.*)

Voters may  
choose  
presiding  
officers.

**Form for appointment, by inspectors, of inspector  
to fill vacancy.**

There being a vacancy in the office of inspector for election district No. .... of the town of ....., held by A B, I (or we) hereby appoint C D to fill such vacancy.

Form for  
appoint-  
ments by  
inspectors.

Dated the .... day of ....., 189..

F G,  
*Inspector of Election.*

(To be filed in city or town clerk's office.)

**Form for designation, by inspectors, of elector to act  
as inspector.**

A B, not being present at the meeting of the inspectors held this day, I (or we) hereby designate C D, a duly qual-

Form for  
designa-  
tion by  
inspectors.



**ELECTION OFFICERS.**

ified elector of election district No. .... of the town of  
 ....., to act as inspector, in place of A B until he  
 shall appear.

Dated the .... day of ....., 189..

F G,  
*Inspector of Election.*

(To be filed in city or town clerk's office.)

**Form for designation, by electors, to fill vacancies**

**Form for  
 designation  
 by electors.**

The offices of all the inspectors of election district N.  
 .... of the town of ....., being vacant, we, the  
 undersigned, qualified voters of said district, present, do  
 hereby designate A B and C D, duly qualified voters of the  
 said district, to fill such vacancies.

(Should be signed by not less than ten duly qualified electors and filed  
 in city or town clerk's office.)

**Form for designation, by electors, of persons to act as  
 inspectors.**

**Form for  
 designation  
 by electors.**

All the inspectors of election for election district No. ....  
 of the town of ....., not appearing within one hour  
 after the time fixed by law for the opening of the meeting  
 of inspectors held this day, we, the undersigned, duly quali-  
 fied electors of said district, hereby appoint A B to act in  
 the place of C D, and E F to act in the place of G H, or  
 until such absent inspectors, respectively, appear.

Dated this .... day of ....., 189..

(To be signed by not less than ten duly qualified electors and filed in  
 city or town clerk's office.)

**Form of oath for persons appointed or designated to  
 act as inspectors.**

**Form of  
 oath for  
 person**

I do solemnly swear I will support the constitution of  
 the United States and the constitution of the state of New

York, and that I will faithfully discharge the duties of the <sup>designated</sup> office of inspector of election according to the best of my <sup>or appointed.</sup> ability.

Signed.....

Subscribed and sworn to before me, }  
 this....day of.....189.. }

.....

(To be filed in city or town clerk's office.)

### Poll clerks and ballot clerks for towns.

“There shall be two poll clerks and two ballot clerks in <sup>Appoint-</sup> each election district of the various towns, who shall be <sup>ments and</sup> voters therein, and such clerks must be of good character <sup>qualifica-</sup> and able to read and write the English language. One of <sup>tions of</sup> such poll clerks and one of such ballot clerks shall belong <sup>clerks.</sup> to and be of the same political faith and opinion on state and national issues as the political party polling the highest number of votes for state officers at the last preceding general election at which state officers were elected, and one poll clerk and one ballot clerk shall belong to and be of the same political faith and opinion on state and national issues as the political party polling the next highest number of votes for such state officers at the said last preceding general election. At the first meeting of the inspectors of <sup>Appoint-</sup> election in every district in which the law provides for the <sup>ments, how</sup> election of inspectors, the inspectors elected shall appoint <sup>made.</sup> one of the poll clerks and one of the ballot clerks, and the inspectors appointed shall appoint the other poll clerk and ballot clerk. Such appointment shall be in writing signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated. The poll clerks <sup>Term of</sup> and ballot clerks so appointed shall hold their offices dur- <sup>office.</sup> ing the term of office of the inspectors appointing them. The term, inspectors of election, as used in this section, <sup>Definitions.</sup>

Vacancies  
and ab-  
sences at  
elections.

Oath of  
office.

shall include inspectors authorized to be elected. If at the time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or a ballot clerk of the district shall be absent, the inspectors of election of such district shall forthwith appoint a person to fill such vacancy, or designate a person to act in the place of such absent poll clerk or ballot clerk until he shall appear. Such person so appointed or designated shall, before he acts as such poll clerk or ballot clerk, take the constitutional oath of office." (§ 12 of *Election Law of 1892*. Thus amended by chap. 348, *Laws 1894*.)

#### Clerks of election, qualifications of.

Qualifica-  
tion.

"A clerk of election should be twenty-one years of age and a resident of the district for which he is appointed." (*Opinion Attorney-General*.)

#### Form for appointment of poll clerks and ballot clerks.

Form for  
appoint-  
ment.

We, the undersigned, inspectors of the...election district of the town of....., on this...day of November, A. D. 18.., do hereby appoint A B and C D to the office of poll clerk (or ballot clerk) in and for said district for the ensuing year.

Dated November....., 18..

A B,  
C D,  
E F,

*Inspectors.*

(Appointment to be filed with town clerk or city clerk).

#### Form of oath for poll or ballot clerk.

Form of  
oath.

I do solemnly swear I will support the Constitution of the United States and the Constitution of the state of New York,

and that I will faithfully discharge the duties of the office of poll or ballot clerk, according to the best of my ability.

(Signed) .....

Subscribed and sworn to before me, }  
this .... day of ..... 189.. }

.....  
(The above oath may be administered by the chairman of the board of inspectors after he shall have taken an oath of office, or any other officer authorized to take the acknowledgement of deeds, and is to be filed with town clerk or city clerk.)

**Form for appointment of poll or ballot clerk to fill vacancy.**

There being a vacancy in the office of poll clerk (or ballot clerk) in election district No. .... of the town of ..... we hereby appoint C D to fill such vacancy.

Form for appointment to fill vacancy.

Dated this .... day of ....., 189..

J F,  
S T,  
*Inspectors of Election.*

**Form for designation of person to act in place of absent poll or ballot clerk.**

A B, a duly appointed poll or ballot clerk, not being present at the meeting of inspectors of election, in election district No. .... of the town of ....., held this day, I (or we) hereby designate C D to act as poll or ballot clerk, in place of A B, until he shall appear.

Form for designation to act during absence.

Dated this .... day of ....., 189..

E F,  
*Inspector of Election*

(The above appointments or designations to be filed with the town clerk or city clerk.)

**Compensation of inspectors, poll clerks and ballot clerks.**

"The following town officers shall be entitled to compensation at the following rates for each day actually and necessarily devoted by them to the service of the town, in the duties of their respective offices, when no fee is allowed by law for the service: The supervisor except when attending the board of supervisors, town clerks, assessors, commissioners of highways, justices of the peace, overseers of the poor,

Compensation of inspectors and poll clerks in towns.

inspectors of election and clerks of the polls, two dollars per day, each of them." (§ 178, *Town Law, chap. 569 Laws of 1890, as amended by chap. 297, Laws of 1893.*)

Inspectors  
in cities.

For compensation of inspectors of election in cities, reference should be made to the several city charters.

Compensa-  
tion, town  
or city  
charge.

"The expense of providing polling places, voting booths, supplies therefor, and other furniture of the polling place, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election not held at the same time as a general election, shall be a charge upon the village. \* \* \*

Village  
charge.

Ballotclerks  
and clerks  
of registry  
in cities.

Ballot clerks and persons acting as such, and clerks of boards of registry in cities, except New York and Brooklyn, shall receive the same compensation for their attendance at an election, or meeting for registry in pursuance of law, as inspectors of election, and be paid in like manner. An inspector of election lawfully required to file any papers in a county clerk's office shall, unless he reside in a city or town in which such office is situated, be entitled to receive as compensation therefor, four cents a mile for every mile actually and necessarily traveled between his residence and such clerk's office, in going to and returning from such office, and five dollars." (*Extract from § 17, Election Law, chap. 680, Laws 1892.*)

Fee of in-  
spector for  
filing papers

### Compensation of person appointed or designated to act as inspector, poll clerk or ballot clerk.

Compensa-  
tion for act-  
ing as in-  
spector, etc.

Although there appears to be no special provision of law, there is scarcely a doubt, that a person duly appointed and qualified to act during the absence of an inspector, poll clerk or ballot clerk, is an election officer, and as such is entitled to compensation for the time actually and necessarily devoted by him to the services of the city or town.

### Payment of compensation of inspectors in towns.

Bills to be  
rendered to  
town board.

By the provisions of § 17 of the election law, above set forth, the compensation of election officers is made a town charge, and bills therefor should be rendered to the town board at their second annual meeting, on the Thursday next preced-

ing the annual meeting of the board of supervisors. Bills, should be made out in conformity with the following section of the town law.

**Accounts of inspectors in towns, how made out.**

"No account shall be audited by any board of town auditors or supervisors \* \* \* for any services or disbursements unless such account shall be made out in items and accompanied with an affidavit attached thereto, and to be filed with such account, made by the person presenting or claiming the same, that the items of such account are correct and that the disbursements and services charged therein have been in fact made or rendered or are necessary to be made or rendered at that session of the board, and stating that no part thereof has been paid or satisfied; and the chairman of the board \* \* \* may administer any oath required under this section." (*Extract from § 167, Town Law, chap. 569, Laws 1890.*)

Account to be made out in items.

Affidavit thereto.

**Form for bill for compensation.**

		ALBANY, November ...., 18..	Form for bill.
TOWN OF GUILDERLAND,		To JOHN SMITH, INSPECTOR OF ELECTION, <i>Dr.</i>	
1893.			
Oct.	22.	To attendance at meeting for registry,	\$4 00
	29.	To attendance at meeting for registry,	4 00
Nov.	9.	To attendance at election†.....	4 00
	10.	To filing election returns, etc., in county clerk's office*.....	5 00
	10	To mileage in filing election returns, etc., in county clerk's office, 20 miles, at 4c*.....	80
			<hr/> \$17 80
Received payment,			<hr/> <hr/>
JOHN SMITH.			

\* In county seat towns inspectors cannot charge for this service, and only the inspector designated to file returns should include this item in his bill.

† There appears to be no general provision of law fixing the number of hours for a day's service. The question is appropriately one for settlement by town or city auditing boards. It is customary, however, in many of the counties, to allow two day's compensation for each day of attendance at meetings for registry and on election day.

Form for affidavit to be attached to bill and filed therewith.

Form for affidavit.

STATE OF NEW YORK, } ss.:  
ALBANY COUNTY.

John Smith, inspector of election for the first election district of the town of Guilderland, in said county, being duly sworn, deposes and says, that the items contained in the foregoing account are correct, and that the services charged therein have been in fact rendered and that no part thereof has been paid or satisfied.

JOHN SMITH,  
Inspector of Election.

Sworn to before me, this .... }  
day of ....., 18.. }

.....

(The above oath may be taken before the chairman of the town board or any other person authorized to administer oaths.)

# Primaries, Conventions and Nominations.

(ARTICLE 3 OF THE ELECTION LAW AS AMENDED IN 1898.)

## Definitions of primary and convention.

§ 50. As used in this article, a convention is an assem-<sup>Definitions.</sup>blage of delegates representing a political party, duly convened for the purpose of nominating candidates for office, electing delegates to conventions, electing officers for party organizations, or for the transaction of any other business relating to the affairs or conduct of the party; and a primary is any other assemblage of voters of a political party, duly convened for any such purpose.

## Notice of primary.

§ 51. No primary shall be held in a city or village having a population of over five thousand, as shown by the then<sup>Notice of primary in city or village.</sup> last state or federal enumeration, unless at least two days' notice thereof shall be published in a daily newspaper in such city or village, of the same politics with the party giving the notice, at least twice; but if no such newspaper is published in the same city or village where such primary is to be held, such notice shall be posted in at least six public places in such city or village at least two days next preceding such primary, and published in a weekly newspaper, if any, in such city or village of the same politics of the party giving the notice, before such primary is held. Such<sup>Opening of primary.</sup> primary shall be opened at such hour between nine o'clock in the forenoon and nine o'clock in the afternoon, as may be prescribed by the party organization or association holding the same.

Elsewhere than in such a city or village, every primary<sup>Notice, elsewhere.</sup> shall be called and held pursuant to notice given according to the regulations and usages of the party organization holding it.



**Organization and conduct of primaries.****Presiding  
officers.****Conduct of  
primaries.****Additional  
require-  
ments.****Filing of  
papers.**

§ 52. Every primary held by any political party, organization or association for the purposes of choosing candidates for office or the election of delegates to conventions or for the purpose of electing officers of any political party, organization or association, shall be presided over and conducted by officers to be selected in the manner prescribed by the rules or regulations of the party, organization or association holding such primary. If the rules and regulations of the political organization calling it so require, or if it shall be, by a vote of the electors present, so resolved, or, if it be in a city or village having a population of over five thousand according to the then last preceding federal or state enumeration and five qualified voters of the district where it is held, belonging to the political party calling it, shall serve upon the secretary or chairman of the general committee of the party or its organization in such city or village or upon the chairman of the district committee, a written demand stating that they so require it, the following additional requirements, or such of them as may be specified in such demand, shall be complied with:

1. The chairman and other officers shall take the constitutional oath of office.

2. Candidates and delegates and officers of the organization or committee shall be chosen by ballot.

3. The meeting shall be held open not less than one hour for voting thereat.

4. The tellers shall keep a poll-list of the name and residence of each person voting, and assist the secretary in the canvass of the votes.

5. An elector shall be appointed watcher for each candidate or set of candidates or delegates requesting the same.

6. The chairman shall publicly announce the number of votes cast for each candidate and the result of the canvass at the completion thereof, and shall, if the primary be held in a city or village having a population of more than five thousand as shown by the then last preceding federal or state enumeration, file a statement of such result and the oath taken at such primary and the poll-list kept thereat in

the office of the county clerk if located in such city or village, and otherwise, in the office of the city or village clerk and the papers so filed shall be public records and open to inspection and examination by any elector of the state.

**Qualifications of voters at primaries.**

§ 53. No person shall be entitled to vote at any primary unless he may be qualified to vote for the officers to be nominated thereat, on the day of election. They shall possess such other qualifications as shall be authorized by the regulations and usages of the party holding the primary, Qualifications of voters.

**Duties of chairman of primary.**

§ 54. The chairman may administer any oath required to be administered at any primary. He shall decide all questions that arise relating to the qualification of voters; and shall reject all votes offered when challenged by an elector, unless the person offering the vote shall be sworn that he will truly answer all questions put to him touching his qualifications as such voter, and shall state under oath that he is qualified to vote at such primary. Duties of chairman.

**Watchers and canvass of votes at primary.**

§ 55. The ballot-boxes used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass, and signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass. Examination of boxes. Watchers. Announcement of result.

**Misdemeanors at political caucuses and conventions.**

Any person who,

1. Votes or attempts to vote at a political caucus or convention without being entitled to do so; or
2. By bribery, menace or other corrupt means, directly or indirectly, attempts to influence the vote of any person

Misdemeanors.

entitled to vote at such caucus or convention, or obstruct such person in voting, or prevents him from voting thereat; or

3. Fraudulently and wrongfully does any act tending to effect\* the result of an election at such caucus or convention; or

4. Being an officer, teller or canvasser thereof, willfully omits, refuses or neglects to do any act required by the election law, or refuses to permit any person to do any act authorized thereby, or makes or attempts to make any false canvass of the ballots cast at such caucus or convention, or statement of the result of a canvass of the ballots cast thereat; or

5. Induces or attempts to induce any officer, teller or canvasser of such caucus or convention to do any act in violation of his duty, is guilty of a misdemeanor. (§ 41, *Penal Code*.)

#### Party nominations.

**Definition.** § 56. Nominations of candidates for public office, made by a primary or convention held therefor or by a duly authorized committee appointed by such primary or convention, shall be known as party nominations.

**Certificate of nominations.** A certificate of such nominations shall be made, containing the name of the office for which each person is nominated, the name and residence of each such person, if in a city, the street, number of residence and place of business, if any; and shall designate in not more than five words the party which such primary, convention or committee represents, and shall be signed by the chairman and secretary of the primary, convention or committee, who shall add to their names their respective places of residence, and their affidavit that they were such officers.

#### Misconduct in relation to certificates of nomination.

**Misconduct as to certificates.**

A person who,  
1. Falsely makes or makes oath to, or fraudulently defaces or destroys, a certificate of nomination or any part thereof; or

---

\*So in the original.

2. Files or receives for filing a certificate of nomination knowing that any part thereof was falsely made; or

3. Suppresses a certificate of nomination which has been duly filed, or any part thereof; or \* \* \* \*

Is punishable by imprisonment for not less than one nor more than five years. (§ 41g, Penal Code.)

\* Form for Party Convention Certificate of Nomination, for a State, Congressional, Senatorial or Judicial Office, in a Division or District greater than a County.

To the Secretary of State, Albany, N. Y.: .

We certify that at a convention of delegates representing the ..... party, held ..... 189.., for the.....

Insert— (State, division or district.)

the following named persons were placed in nomination for offices to be filled at the next ensuing general election :

Office to be filled.	Name of the candidate.	Party or political principle represented.†	Place of residence of candidate.‡
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Signed.).....  
Chairman of Convention.

(Residence, city or town, street and number, if any.)

Attest : .....  
Secretary of Convention.

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, }  
COUNTY of..... } ss.:

A B and C D, being severally sworn, each for himself, says that the said A B was the chairman of the convention of delegates mentioned and described in the foregoing certificate, and that the said C. D was the secretary of such convention, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

A B.  
C D.

Severally subscribed and sworn to before }  
me, this..... day of ....., 189.. }

E F,  
(Notary Public or Justice of the Peace.)

\* Certificates to be filed with Secretary of State at least twenty-five and not more than forty days before the election for which the nominations are made.

† To be designated in not more than five words.

‡ If in a city, the street and number of his residence and place of business

PRIMARIES, CONVENTIONS AND NOMINATIONS.

\* Form for Convention Certificate of Nomination for a Candidate Voted for by the Voters of only one County or a Portion of a County.

To the County Clerk of.....County, State of New York:

We certify that at a convention of delegates representing the..... party, held ....., 189.., for .....

(Name county or election division.)

the following named persons were placed in nomination for offices to be filled at the next ensuing election:

Office to be filled.	Name of the candidate.	Party or political principle represented.†	Place of residence of candidate.‡
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Name.).....

Chairman of Convention.

(Residence, city or town, street and number, if any.)

Attest: .....

Secretary of Convention.

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, } ss.:  
COUNTY OF..... }

A B and C D, being severally sworn, each for himself; says that the said A B was the chairman of the convention of delegates mentioned and described in the foregoing certificate, and that the said C D was the secretary of such convention, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

Severally subscribed and sworn to before }  
me this .....day of....., 189.. }

A B.  
C D.

E F,

(Notary Public or Justice of the Peace.)

\* To be filed with county clerk at least twenty and not more than thirty days before election.

† To be designated in not more than five words.

‡ If in a city, the street and number of his residence and place of business.

**\* Form for Certificate of Nomination for a Town, City or Village Office.**

To the (Town, City or Village) Clerk of.....

We certify that at a primary meeting of the voters of the ..... party, held....., 189 , for .....

(Name of city, town or village.)

the following named persons were placed in nomination for the offices to be filled at the next ensuing election in the .....

(Name of city, town or village.)

Office to be filled.	Name of candidate.	Party or political principle represented.	Place of residence of candidate.†
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Name) .....

Chairman.

(Residence and address.)

Attest: .....

Secretary.

(Residence and address.)

STATE OF NEW YORK, } ss.:  
COUNTY OF..... }

A B and C D, being severally sworn, each for himself, says that the said A B was the chairman of the primary meeting mentioned and described in the foregoing certificate, and that the said C D was the secretary of said primary meeting, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

Severally subscribed and sworn to before }  
me, this ..... day of....., 189.. }

A B.

C D.

E F,

(Notary Public or Justice of the Peace.)

\* To be filed with city clerk at least ten and not more than twenty days before election, and with town or village clerk at least six and not more than twenty days before election.

† If in a city, the street and number of his residence and place of business.

PRIMARIES, CONVENTIONS AND NOMINATIONS.

Form for Party Committee Certificate of Nomination for a State, Congressional, Senatorial or Judicial Office, in a Division or District greater than a County.

To the Secretary of State, Albany, N. Y.:

We certify that at a meeting of the (.....) Committee representing the ..... party, held ....., 189.., said committee, acting under authority of the following resolution, passed ... .., 189.., at a convention of delegates:

(Here insert resolution passed by convention.)

placed in nomination for the offices to be filled at the next ensuing election the following named persons:

Office to be filled.	Name of the candidate.	Party or political principles represented.	Place of residence.*
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Signed.).....  
Chairman of.....State Committee.

(Residence, city or town, street and number, if any.)

Attest: .....  
Secretary of.....State Committee.

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, } ss.:  
COUNTY OF ..... }

A B and C D, being severally sworn, each for himself, says the said A B is the chairman of the State Committee of the ..... party mentioned, and presided at the meeting described in the foregoing certificate, and that the said C D is the secretary of the State Committee of the ..... party mentioned, and acted as secretary at the meeting described in said certificate, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

A B.  
C D.

Severally subscribed and sworn to before }  
me, this .... day of ..... 189.. }  
E F,  
(Notary Public or Justice of the Peace.)

NOTE.—The above form of certificate can be used in committee nominations in divisions less than a State.

\* If in a city, the street and number of his residence and place of business.

**Independent nominations.**

§ 57. Three thousand or more voters of the state may <sup>Nomina-  
tions of  
candidates.</sup> nominate candidates for offices to be filled by voters of the entire state; five hundred or more voters of a county or city or of a portion of the state greater than a county, except an assembly district composed of more than one county, may nominate candidates for offices to be filled by the voters of such county; city or portion of the state; two hundred and fifty or more voters of an assembly or school commissioner district, may nominate candidates for offices to be filled by the voters of such district; twenty-five or more voters of a ward, town or village may nominate candidates for offices to be filled by the voters of such town, ward or village.

If the nomination is for an office to be filled by the voters of the city and county of New York, the county of Kings, or the city of Brooklyn, not less than six hundred voters shall make such nomination. If the nomination is for an office to be filled wholly or in part by the voters of only a portion of either the city and county of New York, the county of Kings, or the city of Brooklyn, not less than two hundred and fifty voters shall make such nomination.

The nominations shall be made by a certificate signed <sup>Certificate  
of nomination.</sup> and acknowledged by such voters, each of whom shall add to his signature his place of residence and make oath that he is such voter and has truly stated his residence. The certificate shall contain the names of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and of his place of business if any; and shall designate, in not more than five words, the political or other name which the signers shall select, but the name of any organized political party shall not be used without using in connection therewith some other word or words to distinguish such name from such party name, and no word or designation shall be used indicating that the name is that of any regular party or political organization.

The certificate may designate upon the face thereof one <sup>Designa-  
tion of  
person to</sup> or more persons, as authorized to nominate candidates for



represent  
signers.

Signatures  
to cer-  
tificate.

the offices named therein, for which no candidates are nominated in such certificate. The persons so designated may, by certificates signed and duly acknowledged by them, specifying the political or other name used in the certificate in which such vacancies exist, nominate candidates to fill such vacancies. The signatures to the certificate of nomination need not all be appended to one paper. No person shall sign more than one certificate, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. Such nominations shall be known as independent nominations.

**\* Form for Independent Nomination Certificate, Pursuant to Section 57.**

*To the Secretary of State, Albany, N. Y.:*

We, the undersigned, duly qualified voters of the State of New York, at a meeting held....., 189..., in accordance with the provisions of chapter 680 of the Laws of 1892, hereby make the following nomination for offices to be filled at the next ensuing election in the.....

(State district or election division.)

Office to be filled.	Name of the candidate.	Political name which signers select.†	Place of residence of the man nominated.‡
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

And we do designate and appoint.....

(Name, residence and place of business.)

to represent the signers of this certificate, and authorize the said persons so designated and appointed to nominate candidates for the offices named therein, for which no candidates are nominated in the certificate,

\* To be filed at least twenty and not more than forty days before election, if required to be filed, with Secretary of State; if required to be filed with county clerk, at least fifteen and not more than twenty days before election; if required to be filed with city clerk, at least eight days and not more than twenty days before election; if required to be filed with town or village clerks, at least five and not more than twenty days before election.

† Not more than five words to be used, and no word or designation indicating the name of any regular party or political organization.

‡ If in a city, also the street and number of residence and place of business.

and to fill any vacancies caused by declination, death of nominee or inoperative or insufficient certificate of nomination, in pursuance of sections 57 and 66 of the Election Law.

(Name.).....

(Residence.).....

(Give city or town, street and number, if any.)

Signatures.*	Residences, town or city, street and street number, if any.
.....	.....
.....	.....
.....	.....

Acknowledgment and Affidavit of each Signer to be Annexed to the Certificate signed by him.

STATE OF NEW YORK, } ss.:  
COUNTY OF..... }

On this ..... day of ....., 189.., before me, personally appeared A B, to me known to be one of the persons described in and who signed the foregoing certificate and acknowledged that he signed the same, and the said A B, being by me duly sworn, deposes and says that he is a voter in the ..... of ..... in said county, and that he has truly stated his residence in his statement of his place of residence added to his said signature.

A B.

Acknowledged, subscribed and sworn to }  
before me, this ...day of ...., 189.. }

E F,

(Notary Public, or Justice of the Peace.)

NOTE.—It is not necessary that each signer should acknowledge separately. All or any number may be included in one acknowledgment and affidavit.

### Places of filing certificates of nomination.

§ 58. Certificates of nomination of candidates for offices to be filled by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of

Place of  
filing of  
certifi-  
cates.

\* As to the number of names to be signed to this certificate, see section 57, chapter 651, Laws 1892.

Fulton county, and a copy thereof certified by the county clerk of Fulton county, shall be filed in the office of the county clerk of Hamilton county, and each certificate of nomination of a candidate for senator for the fifth senatorial district shall be filled in the office of the board of police commissioners of the city of New York, and a copy thereof, certified by such board, shall be filed in the office of the county clerk of Richmond county.

Certificates of nomination of candidates for offices to be filled by only the voters or a portion of the voters of the city of New York or Brooklyn, shall be filed with the board of police commissioners of the city of New York or the board of elections of the city of Brooklyn, respectively.

Certificates of nomination of candidates for officers of any other city, or for officers of a village or town, to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town respectively.

All other certificates of nomination shall be filed with the clerk of the county in which the candidates so nominated are to be voted for.

#### **The times of filing certificates of nomination.**

Time of  
filing cer-  
tificates.

§ 59. The different certificates of nominations shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state, if party nominations, at least twenty-five and not more than forty days; if independent nominations, at least twenty and not more than forty days; those required to be filed with a county clerk or the board of police commissioners of the city of New York, or the board of elections of the city of Brooklyn, if party nominations, at least twenty and not more than thirty days; if independent nominations, at least fifteen and not more than thirty days; those required to be filed with the city clerk of any other city, if party nominations, at least ten and not more than twenty days; if independent nominations, at least eight and not more than twenty days; those required to be filed with a town or village clerk, if

party nominations, at least six and not more than twenty days; if independent nominations, at least five and not more than twenty days.

**Certifications of nominations by the secretary of state.**

§ 60. The secretary of state shall, immediately upon the expiration of the time within which certificates of nomination may be filed with him, certify to the county clerk of each county, except New York, to the board of police commissioners of the city of New York and to the board of elections of the city of Brooklyn, the name, residence and place of business, if any, of each candidate nominated in any certificate so filed, for whom the voters of such county or city, respectively may vote.

Certificate by secretary of state.

**Publication of nominations.**

§ 61. At least six days before an election to fill any public office, the county clerk of each county, except New York, the board of police commissioners of the city of New York and the board of elections of the city of Brooklyn, shall cause to be published in not less than two nor more than four newspapers within such county or city, respectively, a list of all nominations of candidates for offices to be filled at such election, certified to such clerk or board by the secretary of state, or filed in the office of such clerk or board. Such publication shall contain the name and residence, and, if in a city, the street number of the residence, and place of business, if any, and the party or other designation of each candidate.

Publication of list of nominations.

The city clerk of each city, except New York and Brooklyn, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publication to be made as to candidates for offices to be filled at such city election, in at least two newspapers published in such city. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes in the state; and another of such publications shall be made in a newspaper

Selection of newspapers.

which advocates the principles of the political party that at the last preceding election cast the next largest number of votes in the state. The clerk or board, in selecting the respective papers for such publication, shall select those which, according to the best information he can obtain, have the largest circulation within such county or city. In making additional publications the clerk or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties; and in no event shall additional publications be made in two newspapers representing the same political party.

Time of publication.

The clerk or board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the county clerk find it impracticable to make the publication six days before election day, in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election.

List of Nominations to be Published by County Clerk.

To the Voters of (..... county):

Form of list.

The following is a true and correct list of all nominations to office certified to me pursuant to the provisions of chapter 680 of the Laws of 1892:

NAME.	Residence *	Office to be filled.	Party designating candidate.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Signed.).....  
Clerk of ..... County.

Posting town and village nominations.

Posting town and village nominations.

§ 62. Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with

\* If in a city, the street number of residence and place of business.

him to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election.

Form for List of Nominations to be Posted by Town or Village Clerk.

To the Voters of (town or village of.....):

The following is a true and correct list of all nominations to office filed with me pursuant to the provisions of chap. 680 of 1892:

Name.	Residence.	Office to be filled.	Party.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....,  
Clerk.

Lists for town clerks and alderman.

§ 63. The county clerk of each county, except New York, shall, at least six days before election day, send to the town clerk of each town, and to an alderman of each ward in any city in the county, except Brooklyn, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, and party or other designation of each candidate nominated to be voted for by the voters of the respective towns and wards. Such lists shall, at least three days before the day of election, be conspicuously posted by such town clerk or alderman in one or more public places in each election district of each town or ward, one of which shall be at each polling place.

Form of Printed Poster or List to be sent by County Clerk to each Town Clerk or Alderman in County or City.

[Same to be posted by Town Clerk or Alderman in election districts.]

To the (Town Clerk or Alderman) of (Town of.... or.... Ward of....):

Form of poster or list.

Please take notice that the following named persons have been nominated as candidates for office, to be voted for at the next ensuing election to be held in your (town or ward) on ....., 189... as follows :

Name of the candidate.	Place of residence.*	Office to be filled.	Party or political principles representing.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Signed.) .....  
Clerk of.....County.

Declination of nomination.

Name not to be printed on ballots.

§ 64. The name of a person nominated for a town or village office, shall not be printed on the official ballots, if he shall before the ballots are printed, give written notice that he declines such nomination to the town or village clerk. The name of a person nominated for any other office shall not be printed on the official ballots if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination. If a party nomination, such notification shall be given at least twelve days, and if an independent nomination, at least ten days before the election. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificates of nomination, that such nomination has been declined.

Notices.

Form for Declination of nomination.

To the Secretary of State (or other officer):

SIR—Please take notice that I decline the nomination for the office of....., tendered to me by the (convention, primary or voters) of the.....party, filed in your office.

Dated.....  
Yours,  
.....

\* If in a city, the street number of residence and place of business.

STATE OF NEW YORK, }  
COUNTY OF..... } ss.:

On this.....day of....., 189..., before me personally came  
....., to me known to be the person described in,  
and who executed the foregoing declination, and he acknowledged the  
same for the purposes therein mentioned.

.....  
*Notary Public or Justice of the Peace.*

**Objections to nomination certificates and determinations thereof.**

§ 65. A certificate of nomination which is in apparent conformity with the provisions of this article shall be valid, unless written objections thereto shall be filed in the office in which the certificate is filed within three days after the filing of the certificate. If such objection be filed, notice thereof shall be forthwith mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence, as given in the certificate.

Validity of certificates.

Proceedings in case of objections.

The officer with whom the certificate is filed, shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by a court of competent jurisdiction, or by a justice of the supreme court at chambers, on or before the Wednesday preceding the election. Such order may be made summarily upon application of any party interested, and upon such notice of not less than twenty-four hours, as the court or judge may require.

**Filling vacancies in nominations.**

§ 66. If a nomination is duly declined or a nominee dies before election day, or if any certificate of nomination is insufficient or inoperative, any vacancy thus occasioned may be filled in the manner required for original nominations, or, if it be an independent nomination, in the manner required for filling vacancies in the original certificate. If it be a party nomination, and the primary or convention making it has delegated to a committee the power to fill vacancies, such committee may fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer

Vacancies, how filled.



a certificate setting forth the cause of the vacancy, the name of the new nominee, the office for which he is nominated, the name of the original nominee, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and sworn to in the manner prescribed for the original certificate of nomination, and shall be filed in the office in which the original certificate is filed, at least two days before the election, if filed in the office of a town or village clerk, and at least eight days before the election if filed elsewhere, and upon being so filed shall have the same force and effect as an original certificate of nomination.

**Duty of  
secretary  
of state.**

When such certificate shall be filed with the secretary of state he shall, in certifying the nomination to the various county clerks and city boards, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee or if he has already sent forward his certificate he shall forthwith certify to the proper clerks and boards the name and description of the person so nominated to fill a vacancy the office he is nominated for together with the other details mentioned in the certificate of nomination so filed with the secretary of state, and the name of the person for whom such nominee is substituted.

#### **Candidate's statement of election expenses.**

**Statement  
to be filed  
within ten  
days after  
election.**

"Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that

**Affidavit.**

the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village and city offices, excepting in the city of New York, shall file their statements in the office of the town, village or city clerk, respectively, and in the cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall file their statements in the office of the clerk of the county wherein the election occurs. Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor, and shall also forfeit his office." (§ 41*a* Penal Code.)

Form for candidate's statement of election expenses.

I, ..... a candidate voted for at the ..... election held in the State of New York (or county of ..... ) on the ..... day of ..... 1894, for the office of ..... in said state (or county), do hereby make and file the following itemized statement, showing in detail all the moneys contributed or expended by me directly or indirectly by myself or through any other person in aid of my election.

(Here insert items.)

STATE OF NEW YORK, }  
County of..... } ss.:  
Town of..... }

..... being duly sworn, deposes and says that he was a candidate for the office of ..... and voted for as such at the ..... election held in the said state of New York on the ..... of November, 189...; that the statement to which this affidavit is attached is in all respects true: and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

Sworn to before me this ..... }  
of ..... 189 . }

Notary Public.

## REGISTRATION OF VOTERS.

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### Meetings of inspectors for registry.

City registra-  
tion,

“Meetings of inspectors for registry.—The inspectors of election for each election district in a city, except New York or Brooklyn, shall hold four meetings for the registry of the voters thereof, at the places designated therefor, before each general election, and before each annual election for city officers, in the sixth, fifth, fourth and third Saturdays before the election, to be known, respectively, as the first, second, third and fourth meetings for registry, and shall hold two meetings for the registry of the voters thereof, at the place designated therefor, before each special election, on the third and second Saturdays before the special election, to be known, respectively, as the first and second meetings for registry for the special election. The said inspectors of election shall also meet upon the first Saturday before each general election, and before each election for city officers, for the purpose of correcting the registry lists by adding to, or striking off the name of any person pursuant to an order of the court or a judge thereof as provided in section thirty-seven of this act, but no names of any other persons shall be added to the list at that time, except the names of such persons as shall have become naturalized since the last previous meeting, and the names of such naturalized persons who may be otherwise qualified to vote shall be added only upon producing and filing with the inspectors of election their naturalization papers or a certified copy thereof,

which shall be filed with the registry lists when complete in the office of the county clerk and open to public inspection. It shall be the duty of each inspector of election to make a note in the registry list opposite the name of each person so registering, of the court from which his naturalization papers were issued, and the date thereof. The inspectors of election for each election district, elsewhere than in a city, shall hold two meetings for the registry of the voters therefor, at the place designated therefor, before each general election, on the third and second Saturdays before election, to be known, respectively, as the first and second meetings for registry, and shall hold one meeting for the registry of the voters thereof, at the place designated therefor before each special election, on the second Saturday before the special election. Each meeting shall begin at nine o'clock in the forenoon, and continue until nine o'clock in the evening, with not more than two intermissions of one hour each." (§ 31, *Election Law*. Thus amended by chap. 275, *Laws* 1894.)

Rural registration.

Duration of meetings.

#### Meetings for registry on Saturday half-holidays.

"No Saturday shall be deemed a holiday, nor shall any Saturday afternoon be deemed a half-holiday so as to affect any meeting or proceeding of the board of inspectors for registry." (§ 41, *Election Law*, chap. 680, *Laws* 1894.)

Saturday holidays not to affect meetings.

#### Misconduct of registry officers.

"Any member or clerk of a registry board who willfully violates any provision of the election law relative to registration of electors or willfully neglects or refuses to perform any duty imposed on him by law, or is guilty of any fraud in the execution of the duties of his office, shall be punishable by imprisonment for not less than two nor more than ten years." (§ 41c, *Penal Code*, chap. 693, *Laws* 1892, as amended by chap. 692, *Laws* 1893.)

Penalty for misconduct of officers.

**Clerks in cities.**Appoint-  
ment.

Oath.

"Any board of inspectors in a city, except New York and Brooklyn, may appoint one clerk to assist in the performance of the clerical duties of such board in registering, for not more than four days. Such clerk shall take the constitutional oath of office before he enters upon the performance of his duties." (§ 39, *Election Law*, chap. 680, *Laws* 1892.)

**Clerks outside of cities.**Employ-  
ment, unau-  
thorized.

"Registry boards outside of cities have no authority to employ clerks." (*Opinion Attorney-General*.)

**Delivery of previous poll-lists and registers to inspectors.**Delivery of  
poll-lists  
to town in-  
spectors.Registers  
of voters  
to city in-  
spectors.Copies for  
new dis-  
tricts in  
towns.Duty of  
board of  
new dis-  
trict.Copies for  
new dis-  
tricts in  
cities.

"Each clerk with whom the poll-list of the last preceding general election in any election district elsewhere than in a city, shall have been filed, shall cause one of such poll-lists to be delivered to the board of inspectors of such district at the opening of its first meeting for registry for any election; and any such clerk within a city, except New York and Brooklyn, shall cause the register of voters on file in his office to be delivered to the board of inspectors of each election district in such city at the opening of its first meeting for registry for a special election.

If a new election district shall have been formed in a town since such general election, the clerk of such town shall, before the first meeting for registry thereafter in such new election district, make a certified copy of each poll-list for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copies to be delivered to the board of inspectors of such new election district at the opening of such meeting for registry. Such board at such meeting shall place upon the list of voters all persons whose names are upon such copies who are qualified to vote in such election district at the election for which such meeting is held.

If a new election district shall have been formed in a city, except New York or Brooklyn, since such general election,

the clerk with whom the registers of voters for such previous general election shall have been filed, shall, before the first meeting of the inspectors of such new district for registry for a special election, make a certified copy of each register of voters for such previous general election of each election district out of which such new election district is formed, and the inspectors of such new election district shall at such first meeting for registry for such special election place upon the list of voters the names of all persons upon such copies who are qualified to vote in such election district at the special election for which such meeting is held." (§ 34, *Election Law*, chap. 680, *Laws of 1892*.)

Duty of board of new district.

#### The register of voters.

"The inspectors of each election district shall prepare at such meetings a list of the names and residences of persons qualified to vote in such district at such election, which, when finally completed, shall be the register of the voters of the district for such election. Such lists shall be arranged in three columns. In the first column shall be placed the surnames of such persons in the alphabetical order of the first letter thereof; in the second column the Christian names of such persons respectively; in the third column the residences of such persons respectively, by street and number, if any, and otherwise a brief description of the locality thereof. At each meeting except the last, a space shall be left after each set of surnames commencing with the same letter, sufficient for the addition thereto at subsequent meetings, of surnames commencing with the same letter. Before any such surnames added at any such subsequent meeting, there shall be written, "Added at second meeting," or "Added at third meeting," or "Added at fourth meeting," as the case may be. In cities the names of such persons only, as personally appear before the inspectors and are qualified voters, shall be placed on such list at a meeting for registry for a general election, or an annual city election of city officers.

List of voters.

Form of list.

Arrangements for additional names.

Personal appearance required in cities.

At the first meeting in a city for registry for a special election, the inspectors shall place upon such list the names of all persons qualified to vote at such election in such district which

Registry for special election in cities.

- Personal appearance.** appear upon the register of voters for the last preceding general election in such election district, except the names of such voters as are proven to the satisfaction of the inspectors to have ceased to be voters of such district since their names were placed on such register; and shall at the first and second meetings for such special election, place upon such list the names of all persons so qualified, who shall personally appear before the board at either such meeting; but no new names, not on such register shall be placed on such list, except of persons who so personally appear.
- Town registration.** The inspectors shall, at their first meeting for registry in an election district elsewhere than in a city, place upon such list the names of all persons appearing on the poll-list of the next preceding general election in such district, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters since such general election; the names of all other persons known or proven to the satisfaction of the inspectors to be so qualified; and the names of all persons so qualified who personally appear before the inspectors and request to have their names placed thereon.
- Omission and addition of names at first meeting.** At their second and final meeting for registry, the names of such persons only as personally appear and are qualified shall be placed on the list.
- Personal appearance at second meeting.** “Elsewhere than in cities the register of voters for a special election shall be the register of voters of the then last preceding general election in the district.
- Register for special election in towns.** A person is a qualified voter in any election district for the purpose of having his name placed on such list, if he is at the time qualified to vote at the election for which such registry is made, or may become so qualified on or before the day upon which such election is to be held.” (§ 32, *Election Law*, chap. 680, *Laws* 1892.)
- Who entitled to register.**

**Qualifications of voters for registration.**

A qualified voter for registration must be :

Citizenship.

1. A male citizen of the age of not less than twenty-one years.

2. A citizen at least *ten days* previous to the election.

3. He must have been an inhabitant of the *state* for *one year* next preceding the election. Residence.

4. A resident of the *county* for the last *four months*.

5. A resident of the *election district* in which he may offer his vote, and not elsewhere, for *thirty days* next preceding the election.

6. No person shall vote at such election who shall receive, expect, or offer to receive, or pay or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote. Bribery.

7. No person shall vote at any such election who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election. Bets or wagers.

8. No person shall, for the purpose of voting, gain or lose a residence by reason of his presence or absence while employed in the service of the United States; while engaged in navigating the waters of this state or of the United States, or of the high seas; or while a student in any seminary of learning; or while kept at any alms-house or other asylum at public expense; or while confined in any public prison. Gain or loss of residence.

9. No person shall be permitted to vote at any election who, previous thereto, shall have been convicted of *bribery* or *any infamous crime*, unless he shall have been pardoned and restored to all the rights of a citizen. Conviction of crime.



**Right to register.**

Right to register.

"A person who will be entitled to vote at an election is entitled to be registered therefor." (*Opinion Attorney-General.*)

**Registry as condition of voting.**

Inspectors to have registers at polls.

"At the opening of the polls in each election district for every general election, special election, or election of city officers, the board of inspectors of election thereof shall then and there have the original register of voters of such district for such election, and the two certified copies thereof retained by the members of the board of inspectors, and no person shall vote at such election in such district, unless his name is on such register. The right of any person to vote whose name is on such register shall be subject to challenge the same as though he was not required to be registered. Elsewhere than in cities, a person who shall have become a qualified voter of the district since the last preceding general election, may vote at a special election upon making proof to the inspectors that he has become a qualified voter of the district since such general election." (§ 38, *Election Law, chap. 680, Laws 1892.*)

Unregistered person not to vote.

Challenge of right to vote.

Right to vote at special elections in towns.

**Presenting fraudulent certificates to registry boards to procure registration.**

Penalty for presenting fraudulent certificates.

"A person who knowingly and willfully presents to any board of officers, for the purpose of having himself or any other person placed upon any list or registry of voters, or to any board of officers for the purpose of enabling himself or any other person to vote at any election, any certificate of naturalization which has been allowed or issued by or procured from any judicial officer, clerk of a court, or other ministerial officer of a court, by any false statement, oath or representation, or in violation of the laws of the United States or of this state, with intent to enable any person to vote at any election, when such person is not entitled by the laws of the United States to become a citizen, or of this state, to exercise the elective franchise, is guilty of a felony." (§ 41y, *Penal Code, chap. 693, Laws 1892.*)

**False registration.**

"Any person who causes his name to be placed upon any list or register of voters in more than one election district for the same election, or upon a list or register of voters, knowing that he will not be a qualified voter in the district at the election for which such list or register is made, or aids or abets any such act, is punishable by imprisonment for not more than five years." (§ 41a, *Penal Code*, chap. 693, *Laws* 1892.)

Penalty for false registration.

**Delivery of blank registry books to election officers.**

"The secretary of state shall cause to be prepared a sufficient number of suitable blank books for lists and registers of voters, with blank certificates and brief instructions for registry therein, for use by the inspectors in preparing lists and registers of voters in pursuance of this article, and shall transmit to the county clerk of each county a sufficient number of such blank books, certificates and instructions, to furnish four to each board of inspectors in such county, except in the cities of New York and Brooklyn, and each county clerk shall cause the same to be distributed accordingly, within ten days after the receipt thereof." (§ 40, *Election Law*, chap. 680, *Laws* 1892.)

Secretary of state to prepare books.

County clerk to distribute

**Form of register of voters for districts.**

Form of register.

NAMES OF ELECTORS.		RESIDENCE.†
Surname.	Christian name.	Street and number, or brief designation of the locality of residence.
Andrews .....	John W .....	Albany
Anthony .....	William .....	126 Swan street.
Added at second meeting.		
Adams * (to be challenged) ....	Richard S....	Albany.
.....	.....	.....

\* The words "to be challenged," to be thus placed opposite the name if any elector of the district shall, upon oath, declare that he has reason to believe that such person will not be qualified to vote.

† In the third column, if a city or incorporated village, the residence by street and number, and if it has no street number a brief designation of the locality of his residence.

### Instructions for preparation of list.

Names, how entered.

The names of voters should be entered on the registry list alphabetically, the surname entered first with the christian name and other name following.

Arrangement for names, after first meeting.

The list should be so arranged at the first meeting that there shall be sufficient space after each letter for all persons whose names may be added at subsequent meetings, whose surname shall begin with the same letter, but before adding any names after the first meeting, there shall be inserted in the list at the end of the names set forth under each letter, at the next previous meeting, the following: "Added at second

Certificates.

meeting," or "Added at third meeting," as the case may be. At the close of each meeting the board should fill out and sign one of the certificates on the last page of the book. The original list should remain in the custody of the chairman of the board of inspectors until the close of the polls on election day.

Custody of list.

Copies and certificates.

At each meeting of the board, or during the next following secular day, the board shall make ~~three~~ <sup>four</sup> certified copies of such list and certificate, one of which shall forthwith be conspicuously posted in the place where such meeting shall have been held, and one shall be retained by each of the ~~two~~ <sup>three</sup> other members of the board, until the close of the polls of such next election.

Posting and custody of same.

Register at polls.

The inspectors of election at the opening of the polls of every election, shall have in their possession the original registry of voters of their district for such election.

### Registry of challenges.

Entry for challenge at election.

"If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words "to be challenged," opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote." (§ 36, *Election Law*, chap. 680, *Laws* 1892.)

Oath at election.

**Mutilation, destruction or loss of registry list.**

"Any persons who willfully loses, destroys or mutilates the list or register of voters in any election district, or a certified copy thereof, after the making of the same and before the closing of the polls of the election for which the same is made, is guilty of a misdemeanor." (§ 41b, *Penal Code, chap. 693, Laws 1892.*)

Penalty for  
mutilation,  
etc., of  
lists.

# JEWETT'S ELECTION MANUAL.

## 1894 EDITION.

Corrections to be made on page 50 :

Line 17 — word *three* should be *four*.  
Line 20 — word *two* should be *three*.

The paragraph should read :

At each meeting of the inspectors for registry, or during the next following secular day, the inspectors shall make **FOUR** certified copies of such list and certificate, one of which shall forthwith be conspicuously posted in the place where such meeting shall have been held, and one shall be retained by each of the other **THREE** inspectors, until the close of the polls of such election.

(Make correction with your pen.)

... DISTRICT, to any justice or judge hereinbefore specified, for an order striking such name from the list, and such justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested, of such application, as the justice or judge may require, and served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address, which appears in the registry lists certified by the inspectors of election, order such name to be stricken from such list or registry of voters, and such list shall be corrected accordingly, and for the purpose of carrying into effect any such order the inspectors must, if required thereby, convene at once upon

**Instructions for preparation of list.**

Names, how  
entered.

The names of voters should be entered on the registry list alphabetically, the surname entered first with the christian name and other name following.

Arrange-  
ment for  
names,  
after first  
meeting.

The list should be so arranged at the first meeting that there shall be sufficient space after each letter for all persons whose names may be added at subsequent meetings whose...

**Registry of challenges.**

Entry for  
challenge at  
election.

"If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words "to be challenged," opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote." (§ 36, *Election Law*, chap. 680, *Laws* 1892.)

Oath at  
election.

**Mutilation, destruction or loss of registry list.**

"Any persons who willfully loses, destroys or mutilates the list or register of voters in any election district, or a certified copy thereof, after the making of the same and before the closing of the polls of the election for which the same is made, is guilty of a misdemeanor." (§ 41b, *Penal Code, chap. 693, Laws 1892.*)

Penalty for  
mutilation,  
etc., of  
lists.

**Addition and cancellation of names on registry lists.**

"If the board of inspectors shall, at any meeting, neglect or refuse to place upon such list a name of any person who is entitled to have his name placed thereon, application may be made to any justice of the supreme court of the judicial district in which such election district is, or to any justice of the supreme court residing in a county adjoining such judicial district, or to a county judge of the county, or to any judge of a court of record of the city in which said election district is; and such justice or judge may, upon sufficient evidence, and upon such notice, of not less than twenty-four hours to the board of inspectors, and such other persons interested, of such application, as the justice or judge may require, order such name added to such list or registry of voters and such list shall be corrected accordingly. In case the name of any person not qualified to vote in such election district, or who can not be so qualified at the time of such election, shall appear upon such lists, application may be made by any elector of the said district, to any justice or judge hereinbefore specified, for an order striking such name from the list, and such justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested, of such application, as the justice or judge may require, and served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address, which appears in the registry lists certified by the inspectors of election, order such name to be stricken from such list or registry of voters, and such list shall be corrected accordingly, and for the purpose of carrying into effect any such order the inspectors must, if required thereby, convene at once upon

Addition of  
names to  
list.

Cancellation  
of  
names on  
list.

the service upon of\* them of such order, and carry out the directions therein contained." (§ 37, *Election Law*, chap. 880, *Laws* 1892. *Thus amended by chap. 275, Laws* 1894.)

#### Certificates of lists; copies; custody thereof.

Certificates  
to city  
registers.

"At the close of each meeting for the registry of voters in a city, except New York and Brooklyn, for a general election or for an annual city election for city officers, the inspectors shall append to the lists of voters their certificate to the effect that such list, as it then is, is a true and correct list of the names and residences of all persons qualified to vote at such election in such district, who have personally appeared before the board and have requested to have their names placed thereon, and such lists so certified shall be presumptive evidence that the name and place of residence contained in said list was the name and place of residence

Certificates  
to town  
registers.

given by the person registering. At the close of each meeting for the registry of voters elsewhere than in a city for a general election, or in a city for a special election, the inspectors shall append to such list, as it then is, a certificate to the effect that such list, as it then is, is a true and correct list of all persons qualified to vote at the next election in such district whose names the board is required by law to place thereon.

Custody of  
lists.

Each list so certified shall remain in the custody of the chairman of the inspectors, until the close of the polls on election day. At each meeting of the inspectors for registry, or during the next following secular day, the inspectors shall make four certified copies of such list and certificate, one of which shall forthwith be conspicuously posted in the place where such meeting shall have been held, and one shall be retained by each of the other three inspectors until the close of the polls of such election. Such list and registry of voters and the certified copies thereof, shall at all reasonable hours be accessible to the public for examination, or for making copies thereof." (§ 33, *Election Law*, 1892. *Thus amended by chap. 275, Laws* 1894.)

Copies to  
be posted  
and re-  
tained.

Examina-  
of lists by  
public.

#### Right to examine lists and make copies.

Right to  
examine  
lists.

"Under the provisions of the statute, the names of all persons who have been registered, may be easily and readily ascertained by an examination of the lists posted by the inspectors, or any person would have the right, at all reasonable hours, to examine and make copies of the registry list.

Reasonable  
hours  
therefor.

It will be, however, for the inspectors of election to determine what are reasonable hours for making such copies, and they may exclude any person from examining the registry list or

\* So in the original.

making copies thereof, at any time when the inspectors are satisfied that an examination at such time would seriously interfere with them in the discharge of their duties." (*Opinion Attorney-General.*)

**Form of registry board certificates for districts in cities.**

FIRST DAY'S REGISTRY CERTIFICATE.

Form of  
certificates  
in cities.

*This is to certify,* That the foregoing list of names as it now is, comprising.....names, is a true and correct list of the names and residences of all persons qualified to vote at the next election in this election district, who have personally appeared before this board and requested to have their names placed on said list.

.....  
.....  
.....  
.....  
.....  
..... } *Registry  
Board.*

..... District..... Ward, City of.....

SECOND DAY'S REGISTRY CERTIFICATE.

*This is to certify,* That the foregoing list of names as it now is, comprising.....names, is a true and correct list of the names and residences of all persons qualified to vote at the next election in this election district, who have personally appeared before this board and requested to have their names placed on said list.

.....  
.....  
.....  
.....  
.....  
..... } *Registry  
Board.*

..... District..... Ward, City of.....

**Form of registry board certificates for districts outside of cities.**

FIRST DAY'S REGISTRY CERTIFICATE.

Form of  
certificate  
in towns.

*This is to certify,* That the foregoing list of voters as it now is, comprising.....names, is a true and correct list

\* This number should include all names registered the first and second days.  
(Similar certificates should be made for third and fourth day's registry.)



## REGISTRATION OF VOTERS.

of all persons qualified to vote at the next election in this election district, whose names this board is required by law to place on said list.

Dated *October* . . . , 1892.

..... } *Registry*  
 ..... } *Board.*  
 .....

..... *District, Town of* .....

*County of* .....

## SECOND DAY'S REGISTRY CERTIFICATE.

*This is to certify*, That the foregoing list of voters as it now  
(Write in the number.)\*  
 is, comprising ..... names, is a true and correct  
 list of all persons qualified to vote at the next election in this  
 election district, whose names this board is required by law to  
 place on said list.

Dated *October* . . . , 1892.

..... } *Registry*  
 ..... } *Board.*  
 .....

..... *District, Town of* .....

*County of* .....

## Challenges to applicants for registry.

Challenge  
of appli-  
cants.

Oath to be  
adminis-  
tered.

Examina-  
tion of  
applicant.

"Any person who appears personally at any meeting of the board of inspectors for registry for any election and applies to have his name placed on the list of voters, may be challenged by any qualified elector of such district. If such applicant be so challenged, or if any member of the board shall have reason to suspect that such applicant is not entitled to registry, the board shall administer to such applicant the oath which is required by law to be administered to a challenged person offering to vote at a general election, and may thereupon examine him as to his qualifications as an elector, and may require him to state, under oath, his age, residence by street and number, if it have a street number, and otherwise to describe the locality thereof, and if he is not a householder, to state the name of the householder with whom he resides, and in like manner to describe the residence of

\* This number should include all names registered the first and second days.

such householder. If the applicant shall make such statement, and shall make oath to the circumstances which qualify him to vote at such election in such district, his name shall be added to such list of voters. If he shall refuse to make either such oath or statement, his name shall not be placed on such list." (§ 35, *Election Law, chap. 680, Laws 1892.*)

Name to be added upon statement and oath.

### Form of preliminary oath on challenge for registry.

"You do swear [or affirm] that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector."

Form of preliminary oath.

### Questions under preliminary oath.

1. What is your name?
2. What is your age?
3. Where do you now reside? State as precisely as you are able your residence, by street and number, if it have a street number, and otherwise describe the locality thereof.

Questions under preliminary oath.

(If not a householder), state the name of the householder with whom you reside, and in like manner describe the residence of such householder.

4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?

*If a naturalized citizen the following questions should be asked:*

9. *When were you naturalized?*
10. *Where, and in what court, or before what officer?*
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?
13. How long do you contemplate residing in this election district?
14. Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?

15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for giving your vote at the next ensuing election?

16. Have you paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, or made any promise to influence the giving or withholding of any vote at the next ensuing election?

17. Have you been convicted of bribery or any infamous crime, or if so convicted, have you been pardoned and restored to all the rights of a citizen?

In addition to all may be asked other questions which may tend to test the qualifications of the applicant for registry as a resident of the election district, citizenship and right to vote at such election at such polling place.

Entry of  
names upon  
register.

*After receiving answers*, in full to these and such other questions as may be put, the board shall, if satisfied, enter name of applicant upon register, or if not, are to point out to the challenged person the qualification or qualifications (if any) in respect to which he shall appear to them to be deficient. If he persists in his claim to be registered and the challenge be not withdrawn, one of the board may then administer to him the following:

#### Form of general oath.

Form of  
general  
oath.

"You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ten days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district:

Additional  
oath: for  
bribery, etc.

*If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors:* "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any

money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

*If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."*

Additional  
oath as to  
conviction  
of crime.

If any person shall refuse to take either oath so tendered, his vote shall be rejected.

Rejection  
of vote.

## Ballots and Instruction Cards and Distribution Thereof.

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### **Elections for which official ballots shall be provided.**

Official  
ballots.

“Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election of school district officers or school officers of a city or village at which no other public officer is to be elected.” (§ 80, *Election Law*, chap. 680, *Laws* 1892.

### **Form of official ballots for candidates for office.**

Width,  
length, etc.,  
of ballot.

“Each official ballot for candidates for public office shall be six inches wide; shall have a perforated line running across it, parallel with and one inch distant from the top thereof; and shall be of such length that below such perforated line there shall be one-fourth of an inch in the length of the ballot for the name of each office and the same space for the name of each candidate to be printed thereon. The space above the perforated line shall be known as the stub.

Stubs.

The stubs of such ballots of each kind, for each election district, shall be numbered consecutively, by printed numbers on the backs thereof, and nothing else shall be printed on the backs of the stubs. On the face of each stub shall be printed in uniform type the words “official ballots for,” and after the word “for” shall follow the designation of the polling place for which the ballot is prepared.

Indorse-  
ment.

On the back of each official ballot below the stub shall be printed in great primer Roman condensed capitals, the indorsement “official ballot for \_\_\_\_\_,” and after the word “for” shall follow the date of the election and a fac-simile of the signature of the officer, or clerk of the board providing the ballots, except that ballots containing the names of candidates for commissioners of excise of towns, shall be indorsed

“excise,” only, and other ballots for town meetings, not held at the same time with a general election, shall be indorsed “town” only.

Each official ballot shall be of such form, and so printed, General form. that when the ballot is properly folded for voting, the whole of the indorsement and the printed number on the back of the stub shall be visible, and so that the stub can be removed without unfolding the ballot, or exposing or removing any portion of the face thereof below the perforated line. All official ballots prepared by the same officer or board for the Uniform paper, type, ink, etc. same election district and the same election, containing the names of the same offices, shall be of precisely the same quality and tint of paper, kind of type and quality and tint of plain black ink, and of uniform length.” (§ 81, *Election Law*, chap. 680, *Laws* 1892.)

#### Ballots for village elections.

“The face and back of stubs to village ballots and the Ballots for village elections. indorsement upon the back of such ballots should conform to the requirements of section eighty-one of the Election Law. When section eighty-one is read in connection with section eighty, it is clear that village ballots are to be indorsed, etc., the same as ballots for general election.” (*Opinion of Attorney-General*.)

#### Misconduct in relation to official ballots.

“A person who \* \* \*

4. Forges or falsely makes the official indorsement of any Penalty for misconduct as to ballots ballot; or

5. Having charge of official ballots, destroys, conceals or suppresses them, except as provided by law,

Is punishable by imprisonment for not less than one nor more than five years.” (*Extract*, § 41g, *Penal Code*, chap. 693, *Laws* 1892.)

**Ballots for Presidential electors.**

Form of  
ballot for  
presidential  
electors.

“One-fourth of an inch of space on a ballot must be left for the names of each of the candidates for presidential electors. Such names may be printed in two columns.” (*Opinion Attorney-General.*)

**Form of official ballot for constitutional amendments or other propositions.**

Official bal-  
lots for con-  
stitutional  
amend-  
ments, etc.

“Each official ballot upon a proposed constitutional amendment, or other proposition or question, shall comply with the requirements for official ballots for candidates for public office, except that there shall be plainly and clearly printed on the face thereof, below the perforated line, upon each of one kind of such official ballots the proper language for designating a vote for, and upon each of the other kind of such ballots the proper language for designating a vote against, such amendment, proposition or question. Each such ballot shall be of the same length, and the only indorsement on the back shall appropriately indicate the proposed amendment or other proposition or question to which the ballot relates, but without any indication on the back of the ballot of whether it is for or against the amendment, proposition or question.” (§ 83, *Election Law*, chap. 680, *Laws* 1892.)

Length and  
indorse-  
ment.

**Fac-simile of clerk's signature or ballots for constitutional amendments.**

Fac-simile  
of signa-  
ture not  
required.

“A fac-simile of the signature of the county clerk need not be indorsed, on ballots on proposed constitutional amendments.” (*Opinion Attorney-General.*)

**Names of offices and candidates on official ballots.**

Kinds of  
ballots.

“There shall be as many different kinds of official ballots for candidates for public office at each polling place, at which official ballots are required to be provided as there are different political parties or political or other names represented upon duly filed certificates of nomination of candidates to be

voted for thereat. The names of all the offices to be filled thereat shall be printed below the perforated line, upon the face of each such ballot of each kind, in brevier lower case type within the spaces respectively allowed therefor. Under the name of each office thereon, the name of each candidate nominated therefor by or by virtue of the kind of certificates to which such kind of ballot corresponds, shall be printed in brevier capitals, within the spaces respectively allowed therefor. The names on each ballot shall be in a single column except that the names of candidates for presidential electors, and the names of inspectors of election, if ten or more, shall be in two columns. No ballot shall contain the names of more candidates for one office than may be voted for at such election by one voter.

Names of  
offices and  
candidates,  
how  
printed.

If the full number of candidates for the offices specified on any one kind of ballots shall not have been nominated by or in pursuance of the certificates from which such kind of ballots is prepared, blank spaces shall be left on each ballot of such kind where the names of candidates would appear, except for such failure to nominate. The name of a person having a party nomination shall not be placed upon an official ballot of independent nomination, if such person shall have given notice at least fifteen days before the election for which the ballot is prepared, to the officer with whom his party certificate of nomination is filed, by a writing signed and acknowledged by him, that he does not wish his name placed upon any ballot of independent nomination, or upon such particular ballot of independent nomination.

Blank space  
on ballots.

Name of  
party candi-  
date upon  
ballot of in-  
dependent  
nomination.

The names of offices to be filled and of candidates to be voted for by the voters of a particular district or municipality only, shall not be printed on any other ballots than those prepared for such district or municipality.

Names  
of local  
candidates  
on ballots.

If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot as a part of the name of the office.

Designation  
of term of  
office.

If at a general election, in any congressional district, one congressman is to be elected for a full term, and another to fill a vacancy, the ballots containing the names of the two candi-



dates therefor shall designate the congress for which each is nominated." (§ 82, *Election Law, chap. 680, Laws 1892.*)

#### **Order of names on official ballots.**

No provision as to order of names on ballot.

"There is no provision of law as to the order in which the names of candidates for office shall appear on the official ballot." (*Opinion Attorney-General.*)

#### **Designation of officers to provide ballots and instruction cards.**

Who to provide ballots, etc., for general elections.

"The county clerk of each county except New York, shall provide the requisite number of printed official ballots, sample ballots and instruction cards for each polling place in the county, for each election to be held thereat, except town meetings and city and village elections, and elections of school officers not held at the same time as a general election, and except that the county clerk of the county of Kings shall provide such ballots for only such election districts of such county as are outside of the city of Brooklyn.

In the cities of New York and Brooklyn.

The board of police commissioners of the city of New York, and the board of elections of the city of Brooklyn shall provide the requisite number of such ballots and instruction cards for each polling place, in each such city respectively, for each election to be held thereat.

For city or village elections or town meetings.

If a city or village election or a town meeting, for the election of public officers, shall be held upon a different day from a general election, the clerk of such city, village or town respectively, shall provide the requisite number of such ballots and cards of instruction for each polling place of such election or town meeting.

Ballots, when to be provided and open to inspection.

Each officer or board charged with providing official ballots for any polling place, shall have the official ballots and sample ballots provided and in the possession of such officer, board or clerk thereof, and open to public inspection as follows: The official ballots four days before the election, and the sample ballots seven days before the election for which they are prepared, unless prepared for a village election or town meeting held at a different time from a general election, in which

cases the official ballots shall be so printed and in possession at least one day and the sample ballots at least two days before such election or town meeting." (§ 86, *Election Law*, chap. 680, *Laws* 1892.)

**Sample ballots and instruction cards.**

"Twelve sample ballots of each kind, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballots and without numbers on the stubs, but shall not otherwise differ from the official ballots." Sample ballots.

Twelve instruction cards printed in English, and twelve printed in each of some other languages as the officer or officers charged with providing them shall deem necessary, shall be provided for each such polling place, containing, in clear, large type, full instructions for the guidance of voters in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and a copy of each of the sections of the Penal Code relating to crimes against the elective franchise." (§ 84, *Election Law*, chap. 680, *Laws* 1892.) Instruction cards.

**Contents of instruction cards for voters.**

"Instruction cards for voters should contain sections 41-41w of the Penal Code." (*Opinion Attorney-General*.) Sections of Penal Code.

**Number of official ballots for each polling place.**

"The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, except a town meeting or a village election held at a different time from a general election, shall be twice the number of the names of voters upon the register of voters of such district for such election at the close of the last meeting for such registry. The number of official ballots of each kind to be provided for each polling place of a town meeting or village election held at a different time from the general election, shall be at least twice the number of persons who will be" Number of ballots for general or city election.  
  
Number for town meeting or village election.

**BALLOTS, INSTRUCTION CARDS AND DISTRIBUTION.**

entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots." (§ 85, *Election Law*, chap. 680, *Laws* 1892.)

**Distribution of ballots and instruction cards to polling places.**

Delivery of  
ballots, etc.,  
by county  
clerk.

"The county clerk of each county charged with providing official ballots, shall on the Saturday before the election at which they may be voted, deliver to the clerk of each town and to the city clerk of each city in such county the official ballots, sample ballots and instruction cards required to be provided for each polling place in such town or city election. Each kind of official ballots, all the sample ballots and all the instruction cards for each election district shall be so delivered, in separate sealed packages. The official ballots in each package shall be unfolded and arranged in the order of the printed numbers on the stubs thereof. Each such package shall be clearly marked on the outside thereof with the number and kind of ballots or instruction cards enclosed therein respectively, and the designation of the election district for which it is provided.

Receipts for  
packages so  
delivered.

Receipts for the packages so delivered, specifying the number and kind of packages, shall be given by each town and city clerk receiving them, and filed with such county clerk who shall keep a record of the time and manner of the delivery thereof.

Delivery to  
inspectors  
of election.

Each town and city clerk receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district, at the opening of the polls of such election therein, and cause a receipt to be then taken from such inspectors for such packages, specifying the number and kind thereof, which receipt shall be filed in the office of such clerk.

Receipt.

Delivery of  
ballots, etc.,  
for town  
meetings,  
city and  
village  
election.

Town, city and village clerks required to provide ballots for town meetings, city and village elections held at different times from a general election, and the boards of the cities of New York and Brooklyn required to provide the ballots for elections held therein, respectively, shall in like manner,

deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, sample ballots and instruction cards required to be provided therefor, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner, in their respective offices." (§ 87, *Election Law*, chap. 680, *Laws* 1892.)

**Failure to deliver official ballots.**

"Any person who has undertaken to deliver official ballots to any city, town or village clerk, or inspector, as authorized by the election law, and neglects or refuses to do so, is guilty of a misdemeanor." (§ 41h, *Penal Code*.)

Penalty for failure to deliver ballots.

**Form of town clerks or city clerk's receipt for official ballots received from county clerk.**

Received of ..... clerk of ..... county, Form of receipt by clerk.  
 One package of official ballots, containing .. ballots (..party..)  
 One package of official ballots, containing .. ballots (..party..)  
 One package of official ballots, containing .. ballots (..party..)  
 .....  
 .....  
 .....  
 Dated.....  
 (Signed) .....  
 (Town or city) Clerk.

**Form of election inspector's receipt for official ballots received from town or city clerk.**

Received of.....(city or town) clerk..... Form of receipt by inspectors.  
 One package of official ballots, containing .. ballots (..party..)  
 One package of official ballots, containing .. ballots (..party..)

One package of official ballots, containing . . ballots ( . . party . . )  
.....  
.....  
.....

Dated.....

(Signed) .....  
.....  
.....

*Inspectors of Election,  
District Poll (town or city).*

**Correction of errors and omissions in ballots.**

Court may  
order cor-  
rections  
made.

“ Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk, or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected.

Corrections  
upon own  
motion of  
county  
clerk, etc.

The county clerks or such other officers or boards, shall, upon their own motion, correct without delay, any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors of election in the election districts.” (§ 88, *Election Law, chap. 680, Laws 1892.*)

**Official distribution to polling places of substitutes for missing official ballots.**

Preparation  
of unoffi-  
cial ballots.

“ If the official ballots required to be furnished to any town or city clerk, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and upon the receipt of ballots so prepared from such clerk, accompanied by his statement under oath that the same have been so prepared and furnished by him, and that the official ballots have not been so delivered, or have been so lost, destroyed or stolen, the inspectors of

Use of,  
when per-  
mitted, etc.

election shall cause the ballots so substituted to be used at the election, in the same manner as near as may be as the official ballots. Such ballots so substituted shall be known as unofficial ballots." (§ 89, *Election Law*, chap. 680, *Laws* 1892.)

**Form of Instruction Cards.**

Voters entitled to vote, and who have not previously voted, at the polls of an election, may enter within the guard rail of the polling place, for the purpose of voting, but in such order that there shall not at any time be, within such guard-rail, more than twice as many voters as there are voting booths thereat, besides the persons lawfully within such guard-rail for other purposes than voting.

The voter, upon entering within the guard rail, shall forthwith proceed to the ballot clerks and announce his name, and, if in a city, his residence by street and number, or, if it has no street and number, a brief description of the locality thereof, and, if required by the inspectors, stating whether he is over twenty-one years of age. If he is entitled to vote at this polling place, and is not challenged, or, if challenged and the challenge is determined in his favor, the ballot clerks will deliver to him, unfolded, a full set, one of each kind, of the official ballots provided.

He may receive instructions from the ballot clerks as to the mode of folding his ballot in any manner otherwise than by folding an official ballot. He may, in the discretion of the ballot clerks, take sample ballots with him into the voting booth, and leave them there. After receiving the ballots, he shall thereupon immediately enter alone one of the voting booths, if one is vacant; if none is vacant, as soon as one shall become vacant. If a voter shall declare under oath to the inspectors that, by reason of total blindness, loss of both hands, such total inability in both hands that he cannot use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter alone, he is unable to receive or prepare his ballots without assistance, he may select a person for such purpose, who will be allowed to pass the guard-rail and receive such ballots and to enter the voting

booth with such voter and there assist him in preparing his ballot. No voter shall occupy a voting booth more than ten minutes while all the other booths are occupied. The voter may, within such voting booth and not elsewhere, write on the official ballot which he proposes to vote, the name of any person for whom he desires to vote for any office named on the official ballot; or he may paste thereon a paster containing one or more such names or offices; or he may paste thereon a paster ballot containing the names of all the candidates for whom he may vote for all such offices. He must write or paste such matter below the perforated line, so that no pasted matter shall project beyond the sides of the official ballot upon which it is pasted, and so that no part of such paster or paster ballot shall be visible when the ballot is properly folded for voting. The voter, after preparing his ballot and before leaving the booth, must fold it and each of the other official ballots in his possession, first crosswise by bringing the bottom of each ballot up to the perforated line, and then in the middle lengthwise, in such a manner that, when folded, the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, and so that the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub. He must place no other mark upon, or tear or deface any of the ballots so folded by him, and prepared for presentation to the inspectors. If one of the official ballots delivered to him shall be spoiled before it is so prepared, he may, upon returning to the ballot clerks all the official ballots delivered to him, obtain from them another full set of official ballots; but he can obtain no more than four sets, in all, of official ballots. After receiving one set of official ballots and before voting, he may return all such ballots to the ballot clerks and then pass outside the guard-rail; and afterward, while the polls are open, enter once again within the guard-rail for the purpose of voting, and receive and prepare his ballots and vote, the same as though he had not once before been

within the guard-rail and receive his ballots therefor. He cannot obtain, on such account, more than two sets, in all, of official ballots, nor pass within the guard-rail more than twice, at the same election, for the purpose of voting. When he shall have prepared his ballot, and properly folded it and all the others of the same set delivered to him, he shall leave the voting booth with the ballots so folded, and keeping them so folded, proceed at once to the inspector in charge of the ballot-box, and first hand to such inspector the ballot which he intends to vote. Immediately after the ballot voted by him is deposited in the ballot-box, he shall hand to the inspector in charge of the box for unvoted ballots, all the other official ballots of the same set delivered to him which he does not intend to vote, properly folded. He shall then forthwith pass outside the guard-rail, unless he is one of the persons authorized to remain within the guard-rail for other purposes than voting. If the ballots presented by him to the inspector are improperly folded, he may be further instructed as to the manner of properly folding his ballot, otherwise than by folding and unfolding the official ballots, and may return again, not exceeding four times in all, to the voting booth to properly prepare his ballots. He must not leave the space within the guard-rail, until he has delivered back all the official ballots, which shall have been delivered to him, either to the inspectors, or to the ballot clerks.

(In addition to the foregoing matter, the instruction card must contain a copy of each of the sections of the Penal Code relating to crimes against the elective franchise).





## Election Supplies and Expenses, Polling and Registry Places and Furniture Therefor.

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### Ballot boxes.

“There shall be but one ballot box at each polling place for receiving all ballots cast for candidates for office, except for commissioners of excise in towns. If proposed constitutional amendments, or other propositions or questions, may lawfully be voted upon thereat, there shall be one ballot box at each polling place for the reception of ballots upon each such amendment or proposition or question, which shall be labeled and numbered to correspond with such amendments, propositions or questions, respectively. There shall be at each polling place as many other boxes as may be required by law to receive unvoted ballots. Each such ballot or other box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election.” (§ 13, *Election Law, chap. 680, Laws 1892.*)

Boxes for  
ballots cast.

Boxes for  
unvoted  
ballots.

Construc-  
tion of  
boxes.

### Voting booths and guard rails.

“There shall be in each polling place during each election, a sufficient number of voting booths not less than one for every fifty voters in the election district. Each such booth shall be at least three feet square, and shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend to within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including shelves, pens, ink, blotting paper, pencils and mucilage as will enable the voters to conveniently prepare their ballots for

Number of  
booths.

Manner of  
construc-  
tion.

Supplies for  
preparing  
ballots.

Artificial  
light.

voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights, if necessary.

Guard rail.

A guard rail shall be so constructed and placed at each polling place that only such persons as are inside such rail can approach within six feet of the ballot boxes, and of the booths. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, election officers, and every part of the polling places, except the inside of the booths, shall be in plain view of the election officers and of persons just outside the guard rail." (§ 14, *Election Law*, chap. 680, *Laws* 1892.)

Arrange-  
ment of  
polling  
place.

**Designation of places for registry and voting —  
provision of furniture therefor.**

Designation  
of places for  
registry and  
voting.

"On the first Tuesday of September of each year, the town board of each town, and the common council of each city, except New York and Brooklyn, shall designate the places in each election district in the city or town, at which the meetings for the registry of voters and the elections shall be held during the year. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least twenty electors at a time, outside of the guard rails. No building or part of a building shall be so designated in any city, if within sixty days before such designation, intoxicating liquors, ale or beer shall have been sold in any part thereof. No room shall be so designated elsewhere than in a city, if, within sixty days before such designation, intoxicating liquors, ale or beer shall have been sold in such room, or in a room adjoining thereto, with a door or other passage-way between the two rooms. No intoxicating liquor, ale or beer shall be sold in such building in a city, or in such room or adjoining room elsewhere, after such designation and before the general election next thereafter, or be allowed in any room in which an election is held during the day of the election. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the officers charged with the designation of a

Restrictions.

Sale of in-  
toxicating  
liquors,  
etc., pro-  
hibited.Redesigna-  
tion of  
place.

place for such election, shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room.

One polling place in same room.

The officers authorized to designate such places in any town or city, shall provide for each polling place at each election, the necessary ballot and other boxes, guard rail, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot or other boxes for each polling place with the keys thereof to the inspectors of election of each election district at the opening of the polls of each election."

Officers to provide boxes, locks, etc.

Preservation and delivery of same to inspectors.

(§ 10 *Election Law*, chap. 680, *Laws* 1892.)

#### Failure to designate polling places.

"If the board fails to designate the polling places on the first Tuesday of September, subsequent action would be legal."

(*Opinion Adjutant-General*.)

Legality of subsequent designation.

#### Compensation for use of polling places.

"The officers designating the polling places have, I think, authority to agree upon the reasonable price to be paid for the use of such place, but the expense thereof must be audited as other town accounts are audited." (*People v. Barnes*, 114 N. Y. 317-324.) (*Opinion Attorney-General*.)

Compensation for use of polling place.

#### Designation of polling place for one election district in another.

The constitution, section 1, article II, prescribes the qualification of voters, and among other things, declares that a person who has been "for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident and not elsewhere."

No authority for appointing polling place for one district in another.

It would seem from these provisions that there is no authority for appointing a polling place for one election district in another and different district. (*Opinion Attorney-General*.)

# Myers Automatic Ballot Machine.

## CHAPTER 764, LAWS 1894.

### Use of ballot machines in towns and cities.

Provision  
for use of  
machine.

§ 1. The board of supervisors of any county within this state in which one-half or more of the towns therein shall have adopted the Myers automatic ballot machine, as authorized by section forty-two of the town law, may at any annual session or special meeting called for that purpose, provide for the use of the Myers automatic ballot machine in such towns and in those thereafter so adopting the same, at all elections held therein; and it shall also be lawful for the common council of any city other than the cities of New York and Brooklyn, by a two-thirds vote, to determine upon the use of said Myers automatic ballot machines at all elections to be held within such city; and thereupon such ballot machines shall be used for the purpose of voting for all public officers, to be elected by the voters of such towns or city, or any part thereof, and upon all constitutional amendments, or propositions, or questions which may lawfully be submitted to such voters, and for registering and counting the ballots cast at such elections. But nothing in this section contained shall be construed as compelling the use of such ballot machines at an election of school officers of a city or village at which no other public officer is to be elected.

Proviso.

### Definitions.

Definitions.

§ 2. The following terms as used within this act shall be construed to mean as follows:

Cabinet.—The Myers automatic ballot machine as a whole.

Voters' compartment.—That part of the ballot machine occupied by the voter in voting.

Counted\* compartment.—The closed portion of the ballot machine containing the automatic mechanical counters.

Counters.—The registering dials in the counter compartment.

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\* So in the original.

**Public counter.**—The exposed dial at the front of the ballot machine which registers the total number of electors voting.

**Partition plate.**—The metal partition dividing the voter's compartment from the counter compartment.

**Push knobs.**—The knobs projecting from the partition plate into the voters' compartment and by which the elector registers his vote.

**Keyboard.**—The face of the partition plate within the voters' compartment.

**Ballot frames.**—The metallic frames within which the ballots are secured upon the keyboard.

**Ballots.**—The tabulated lists of offices and nominees respectively, therefor, or succinct statements of the constitutional amendments or other questions or propositions submitted, arranged vertically in pairs, successively captioned "for" and "against," printed on cardboard or heavy paper and of dimensions, colors and type as herein specified to be placed within the ballot frames, posted at the polls and given to the inspectors as in this act prescribed.

**Ballot captions.**—The headings upon which are printed the name or other appropriate designation of the party or other nominees, constitutional amendments, questions or propositions submitted, to be placed in a frame provided therefor, upon the key-board above each vertical column of nominees, constitutional amendments, questions or propositions, and to correspond therewith in material and color.

**Diagram poster.**—A complete set of ballots and ballot captions forming a fac-simile of those upon the key-board and to be posted at the polls.

**Counter labels.**—The cards or labels placed in receptacles upon the face of the respective counters attached to the back of the partition plate within the counter compartment, having printed thereon the name of the nominee, or a statement of the amendment, question or proposition submitted, successively, following the words "for" and "against" placed directly opposite the corresponding name, amendment, question or proposition as it appears upon the face

of the partition plate, within the voters' compartment and being of the same material and color as its said opposite.

Instruction cards.—The directions as to method and manner of voting and statement of the penal provisions relating to the election code, and to be posted at the polls.

The word nominee, is to be construed to mean, any persons for whom an elector may vote at the election.

Town.—The word "town" as herein used shall be construed to mean such town as shall have adopted the Myers' ballot machine as prescribed in section one.

City.—The word "city" as herein used shall be construed to mean such city as shall have adopted the said ballot machine as prescribed in section one.

#### Provisions for equipment of polling place.

Equipment  
of polling  
places.

§ 3. The town board of each town, and the common council of each city shall provide for each polling place, at each election, the necessary ballot machines in complete working order, with ballots, ballot captions, and counter labels in their proper places therein, and with the dials of the counters set nine thousand nine hundred and ninety-nine, guard-rails, inspectors' table, and other furniture and equipment of such polling place necessary for the lawful conduct of the election thereat and shall have in readiness each such polling place; put the inspectors of election in possession thereof, and deliver to them the keys of the ballot machine therein, at least thirty minutes before the opening of the polls at the election. The said board of each town and the common council of each city shall care for the ballot machine, furniture and equipment of the polling places when not in use at the elections.

#### Arrangement of the polling place.

Arrange-  
ment of  
polling  
place.

§ 4. The ballot machines at each polling place shall be so placed as to be at least three feet from the wall of the room and at least three feet from the outer guard-rail. There shall be two guard-rails, called the out and inner rails. The outer rail shall be so placed as to bar access to within three feet or more of the ballot machine

with openings or gateways therein leading to and from the inspectors' table, which shall be at least four feet from the ballot machines. The inner guard-rail shall extend to a point at or near the inspectors' table from a fixture on the ballot-machine placed between the entrance and exit doors. Such other guard-rails may be used as shall seem necessary or convenient. The ballot-machine and every part of the polling place, except the interior of the ballot-machine, shall be in plain view of the election officers and persons just outside the guard-rails.

#### **Providing ballots.**

§ 5. The county clerk of the county shall provide, at the county's expense, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place in such town and city for each election to be held thereat, except town meetings and city and village elections and elections of school officers not held at the same time as the general election. If a city or village election or a town meeting for the election of public officers shall be held upon a different day from a general election, the clerk of such city, village or town shall provide, at the expense of such city village or town, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place. The ballots, ballot captions, counter labels and instruction cards shall be printed and in possession of the clerk charged with providing them and open to the public inspection four days before the election, except those for a village election or a town meeting held at a different day from the general election, shall be so printed, in possession and open to public inspection two days before such village election or town meeting.

#### **Description of ballot captions, ballots, counter labels and instruction cards.**

§ 6. Ballot captions shall be of cardboard or heavy paper, four inches long by three and three-fourths inches wide and shall have printed thereon, in plain, clear type as large as the space will reasonably permit, the party or other



**Ballots.** appropriate designation of the nominees, amendments, questions or other propositions submitted. Ballots shall be of as many kinds as there are political parties or titles represented by certificates of nominations duly filed, or constitutional amendments, questions or other propositions submitted, and shall be of cardboard or heavy paper, three and five-eighths inches wide, spaced by cross lines one and eleven-sixteenths inches apart, between centers of lines, except the upper one should be thus spaced, four inches from the top and upon the ballot shall be printed in plain, clear type, not smaller than pica, the name of the office and under it the name of the candidate or nominee therefor in plain, clear type, known as great primer ionic, as large as the width of the ballot will permit, or a plain, concise statement of the amendment, question or proposition submitted under successive captions "for" and "against," with or without an index hand pointing (when placed in the ballot frame) to the push knob used when voting by that ballot. **Counter labels.** Counter labels shall be of cardboard, or heavy paper, three-eighths of an inch wide by three inches long, upon which shall be printed the name or other suitable designation of the nominee, amendment, question or other proposition submitted. Should any party fail to make a nomination for an office, the ballot in that party's column upon the key-board on the horizontal line devoted to that office shall be left blank and its push-knob to the right and opposite thereto shall be capped so as to be inoperative. **Names on ballots.** Should two or more parties nominate the same person for the same office, his name shall be printed upon the ballot of the party which shall first nominate him, provided such nominee within two days after his second nomination may, by a written instrument acknowledged as deeds are required to be acknowledged for record, and filed with the county clerk of the county, designate which one of such political parties in whose column he desires his name to appear, and the county clerk shall prepare his ballot for that party, and the ballots of the other party or parties which shall have nominated him shall be left blank for that office, and the corresponding

push-knob or push-knobs to the right of and opposite thereto shall be capped so as to be inoperative. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot. If, in any congressional district, one congressman is to be elected for a full term and another to fill a vacancy, the ballot containing the name of each nominee shall designate the congress for which he is nominated. The ballot captions, ballots and counter labels of the several political parties or other nominating bodies, and the ballots for and against constitutional amendments or other propositions or questions, shall be distinguished from each other by distinctive colors; and, so far as is possible, the colors to be used to distinguish the candidates of the different political parties or other nominating bodies shall be those prescribed by the present usage of those towns in which such ballot machines have heretofore been used. The instruction cards shall state the prescribed colors of the party ballots and other ballots, and ballot captions, and give a summary of the laws punishing violations of the election law, with such other information as shall seem pertinent and advisable.

**Number of ballot captions, ballots, counter labels, and instruction cards.**

§ 7. Four ballots of each kind shall be provided for each polling-place. Four instruction cards printed in English and four printed in such other language or languages as shall be prescribed by the board of supervisors of the county, shall be provided for each polling place. They shall be printed in clear type so as to be easily read. Four complete sets of ballot captions and two complete sets of counter labels shall also be provided for each polling place.

**Correction of mistakes.**

§ 8. Upon affidavit presented by any voter that an error or an omission has occurred in the printing of the ballots, ballot captions or counter labels, the supreme court or a justice thereof, may make an order requiring the county

clerk or other officer or board charged with the duty in respect to which such error or omission occurred, to correct such error or show cause why it should not be corrected. The county clerk or other officer or board shall, on their own motion, correct any palpable error in the ballots, ballot captions, counter labels or instruction cards which can be corrected without interfering with their timely distribution.

#### **Distribution of ballots.**

**Distribu-  
tion of bal-  
lots.**

§ 9. The county clerk charged with the duty of providing ballots, ballot captions, counter labels, and instruction cards, shall on Saturday before the election in which they are to be used, deliver to the clerk of each town and to the city clerk of each city in the county, the ballots, ballot captions, counter labels, and instruction cards required for each polling place in such town or city. They shall be so delivered in two equal and similar sealed packages for each election district, each marked upon the outside thereof with the designation of the election district for which it is intended.

**Receipts.**

Receipts, specifying the number and kind of packages, shall be given by each town and city clerk, and filed with the county clerk, who shall keep a record thereof, specifying

**Delivery to  
inspectors.**

the time and manner of the delivery. Each town and city clerk receiving such packages shall cause one of them to be delivered unopened and with its seals unbroken, to the inspectors of the election district marked thereon, at least thirty minutes before the opening of the polls, and shall take a receipt from such inspectors, specifying and describing the package, which receipt shall be filed in the office of such clerk; from the contents of the other package he shall, not later than the day preceding the election, place, or cause to be placed, in the proper receptacles in each ballot-machine the ballot captions, ballots and counter labels in the order as officially published, and shall post instruction cards and diagram posters within the polling-room, accessible to voters, and set all labeled counters at ninety-nine hundred and ninety-nine. City and town clerks, charged with the duty of providing ballots, ballot captions, counter labels and instruction cards shall, in like

**Duty of  
city and  
town  
clerks.**

manner, distribute them and take receipts therefor within their respective cities and towns. Such receipts shall be filed in the respective offices of the city and town clerks.

**Lost ballots.**

§ 10. If the ballots, ballot captions, counter labels or instruction cards shall not be furnished to the town or city clerk as required herein, or if after being furnished and delivered they, or any of them, shall be lost, destroyed or stolen, the clerk of such town or city shall cause other ballots, as nearly in the form as those lost, destroyed or stolen, as possible, captions, counter labels or instruction cards to be prepared, and deliver them to the inspectors of election in their several election districts, and the substituted ballots, ballot captions, counter labels or instruction cards shall be used at the election in the same manner, as near as may be, as those lost, destroyed or stolen. The inspectors may correct palpable errors therein and shall, in their statement of the election, specify such corrections as made by them.

**Preparation for voting.**

§ 11. The inspectors of election and the poll clerks shall meet at their respective polling places in each election district thirty minutes before the time of the opening of the polls therein. The inspectors shall choose one of their number chairman, if not already so chosen and present. They shall there have the ballots, ballot captions, counter labels and instruction cards, and shall break the package thereof, make and post conspicuously, and so as to be accessible, one or more diagram posters, two or more instruction cards and, if they shall be printed in different languages, at least two in each such language at said polling place. The diagram posters and instruction cards, so posted, shall not be taken down, torn, defaced or mutilated at such elections. The chairman shall retain one complete set of ballots, ballot captions and counter labels for use within the ballot machine, if needed. The inspectors shall then enter the voters' compartment of the ballot machine through the entrance door, and if not already done, the chairman shall, in the presence of the

inspectors, adjust and secure within the frames upon the keyboard the ballot captions, and ballots in the vertical numbered columns and to the left side of the push knobs of the same color as the ballots, and arranged in the same order as on the diagram posters. The chairman shall then, in an audible voice, read from the said columns consecutively, beginning with the column number one, the caption and the ballots thereunder, in the order that they appear on the keyboard. The inspectors shall see that all the names of the nominees for the same office appear and remain on the same horizontal lines, and that the ballots upon constitutional amendments, or other questions or propositions submitted, are arranged in pairs, successively captioned "for" and "against." The chairman shall then lock the bolt rod behind the lock button at the left side of the keyboard. The inspectors shall then leave the voters' compartment through the entrance door, and the authorized watchers may then inspect the interior of the voters' compartment, likewise entering and departing through the entrance door, which shall thereupon be closed and lock by the chairman. The chairman shall then fully open the sliding doors of the counter compartment, in the presence of the inspectors and watchers, and, if not already so done, set each and every labeled counter at 9,999, and announce that every counter is so set. The chairman shall then direct the two other inspectors to enter the voters' compartment, push in the push-knob of the uppermost ballot in column number one, and read aloud said ballot, whereupon the chairman shall insert in the receptacle of the counter thus indicated its counter label, if not already inserted, and shall audibly repeat the name and in substance, say his counter is labeled and that its dials are set at zero. They shall thus continue until all the push-knobs in column number one have been pushed in. One of the inspectors shall then go out through the exit door, thus releasing the push-knobs. The inspectors shall then re-enter the ballot machine, and they shall proceed with the remaining columns in all respects as with column number one. The two inspectors shall then leave the voters'

compartment simultaneously, one going out through the exit door, the other through the entrance door. They shall all then see that the counter labels are in the same relative position opposite their respective ballots, and that all the ballots stand at zero. The chairman shall then adjust the public counter at zero. The counter compartment shall then be locked.

#### **Duties of inspectors.**

§ 12. During the time that the polls are open the chairman, <sup>Duties of inspectors.</sup> or one of the inspectors, shall be stationed at the entrance door of the ballot-machine to act as doorkeeper.

#### **Voting.**

§ 13. The polls being open, the voters shall pass through the <sup>Voting.</sup> opening in the outer guard-rail singly or in single file, and keeping in file, proceed to the inspectors' table. If the voter shall be found to be entitled to vote, the doorkeeper shall admit him to the ballot-machine through the entrance door, which shall be immediately closed and kept closed until said voter shall have come out through the exit door, and said exit door is entirely closed. The voter may be challenged at any time before he enters the ballot-machine.

#### **Disabled voters.**

§ 14. Any voter who shall be totally blind, without the use <sup>Disabled voters.</sup> of either hand sufficient to push the knobs, or physically unable to enter or leave the ballot-machine without assistance, may choose from the inspectors or poll clerks, an assistant, who shall be admitted to the ballot-machine with him. The person so selected shall not, in any manner, request or seek to persuade or induce such voter to vote any particular ballot or for any particular nominee, amendment, question or proposition, and shall not reveal how such disabled voter voted, or what occurred within the ballot-machine. After voting, one shall come from the ballot-machine through the entrance door first, the other through the exit door last. The name of the assistant shall be noted on the registers and poll-lists, opposite the name

of the disabled voter and also the character of the disability. Intoxication, inability to read and write, and mental disability shall not be regarded as physical disability. Such physically disabled voter may be examined under oath administered by any inspector as to his disability, and if he knowingly testify falsely, he shall be guilty of perjury and punishable therefor.

**Time of voting.**

**Time of  
voting.**

§ 15. No voter shall remain within the ballot-machine longer than one minute. If he do so, he shall be requested to leave the ballot machine, and if he refuse, he shall be removed, and the inspectors may call for such aid as shall be needed so to do.

**Instructing the voter within the ballot machine.**

**Instructing  
voter.**

§ 16. In case any voter within the ballot machine shall ask the doorkeeper any question concerning the manner of voting, the doorkeeper shall summon another inspector of a party other than his own, and the question shall then be answered in the presence of both such inspectors; but under no circumstances shall advice be given as to how or for whom the voter shall vote.

**Canvassing the vote.**

**Canvass of  
vote.**

§ 17. As soon as the polls are closed, the entrance door of the ballot machine shall be locked. The inspectors shall then, in the presence of the watchers, unlock and open the sliding doors of the counter compartment, only so far as to fully expose the full width of the wire-meshed guard door. The chairman shall read or announce, reading from left to right, the result in an audible voice to the others, as shown by the dials and they shall each and all observe and record the total number of votes registered for each respective candidate and upon each constitutional amendment, question, or other proposition as registered and declared by such ballot machine register, and such ascertainment of the results shall be deemed to be the canvassing of the votes cast at such election. The wire-meshed guard door shall not be unlocked or opened at any time during the

canvass. There shall be no change made in any part of the ballot machine. They shall then close and lock the counter compartment doors and shall observe and record the total number of voters who have voted in the ballot machine by transcribing the number shown by the dials of the public counter.

**Certified statement.**

§ 18. Upon the completion of the canvass, the inspectors shall make and sign a written statement thereof, showing the date of the election, number of the district, the town or ward and the county in which it was held, the whole number of votes cast for each office, the whole number cast for each nominee for such office and the whole number cast, respectively, for and against each constitutional amendment, question or other proposition submitted. Copies shall be made and filed and proclamation of the result of the election made as now required by the election law. Certified statement.

**Ballot clerk.**

§ 19. No ballot clerks shall be elected or appointed in any town or city that shall have adopted the use of the ballot machine. Ballot clerk.

**Election law.**

§ 20. The provisions of the election law not inconsistent with this chapter, shall apply with full force to all towns and cities adopting the use of the ballot machine. Election Law.

**Additional ballot machines.**

§ 21. Nothing herein contained shall prevent the use of more than one ballot machine in any polling place during an election. Additional machines.

**Mistakes and omissions.**

§ 22. A departure in matters of form or method from those prescribed herein not tending to prejudice the substantial rights of the voter shall be disregarded, and the provisions of this chapter shall be liberally construed to effect the objects of the law. Mistakes, etc.

§ 23. The counties of New York and Kings are excepted from the provisions of this act. Exemption.



## Automatic Ballot Cabinets.

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### FOR TOWNS AND VILLAGES.

#### **Purchase and use of automatic ballot cabinets for towns and villages.**

**Purchase and use of machines.**

Hereafter within this state any town or incorporated village may, by a majority vote of the town board, or board of trustees of such village, at a meeting thereof, held not less than ten days before the time of the annual town meeting or village election thereof is to be held, determine upon, purchase and order the use of one or more automatic ballot cabinets at elections of town or village officers; and thereafter at all elections of town officers in said town, or officers of such village, until otherwise determined by said town board or board of trustees of such village said automatic ballot cabinets shall be used for the purpose of voting for the officers to be elected at such elections and for registering and counting the ballots cast thereat. (§ 1 *chap. 765, Laws 1894.*)

#### **Form of ballots and canvass of votes.**

**Ballot.**

The ballot by which the elector chooses or votes in said automatic ballot-cabinets shall be in secret, and shall be a cardboard or paper ticket, or emblem, which shall contain written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and shall not contain any other printed or written device or distinguishing mark, excepting a heading or caption of its political or party designation, of not exceeding five words, and may be of different colors, and if there shall be found in the ballot-boxes more ballots of the respective political parties than were indicated by the automatic registers, such excess

**Canvass of vote.**

of ballots of the respective parties shall be rejected; and the canvassers shall also make a true canvass of split tickets, and make an accurate return of the votes cast for the respective candidates. The town board or board of

trustees of such village may make regulations for the use of such ballot cabinets, but such regulations shall require all actions and proceedings of the election officers to be in public in the presence of watchers who may be appointed by the different political parties or candidates thereof, and shall not be inconsistent with law further than may be necessary by reason of the use of such ballot cabinets for the purpose of holding elections, counting and canvassing the ballots thereof. (§ 2 *chap.* 765, *Laws* 1894.)

#### **Duty of election officers.**

All election officers are hereby charged with the proper carrying out of necessary regulations for the use of any automatic voting machine provided in their respective towns or villages. (§ 3 *chap.* 765, *Laws* 1894.)

#### **Violations of provisions.**

Any violation of the provisions of this act or any willful attempt to injure or render ineffectual any such automatic voting machine provided in accordance with the provisions of this act shall be deemed a misdemeanor. (§ 4, *chap.* 765, *Laws* 1894.)

#### **Removal, mutilation or destruction of election booths, supplies, etc.**

Any person who:

1. During an election or town meeting, willfully defaces or injures a voting booth or compartment, or willfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law ; or,
2. Before the closing of the polls, willfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law ; or,
3. During an election or town meeting, willfully removes or defaces the cards for the instruction of voters, posted in accordance with the election law, is guilty of a misdemeanor. (§ 41e *Penal Code.*)

#### **Payment of election expenses.**

"The expense of providing polling places, voting booths, supplies therefor, and other furniture of the polling place, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election not held at the same time as a general election, shall be a charge upon the village.

Expense of  
printing  
and deliver-  
ing ballots  
etc.

The expense of printing and delivering the ballots and cards of instruction to be used at a town meeting, city or village election, not held at the same time as a general election, and of printing the lists of nominations therefor, shall be a charge upon the town, city or village in which the election is held.

The expense of printing and delivering the ballots and cards of instruction to be used in any county at any other election, if no town meeting, city or village election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county.

The expense of printing and delivering the ballots and cards of instruction to be used in any county at any such other election, and of printing the lists of nominations therefor, if a town meeting, city or village election be held in such county at the same time therewith, shall be apportioned by the county clerk between such town, city or village, and such county, in the proportion of the number of candidates for town, city or village officers on such ballots, respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon. For the purposes of this section, the county of Kings includes only that portion of the county outside the city of Brooklyn. All expenses lawfully incurred by the board of elections of the city of Brooklyn shall be a charge on such city.

County  
clerk fees.

The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the board of supervisors of the county.

Town clerk  
fees.

The town clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provision of this chapter, to be fixed by the other members of the town board of the town.

Ballot  
clerks, etc.,  
in cities.

Ballot clerks and persons acting as such, and clerks of boards of registry in cities, except New York and Brooklyn, shall receive the same compensation for their attendance at an election, or meeting for registry in pursuance of law, as inspectors of election, and be paid in like manner. An inspector of election lawfully required to file any papers in a county clerk's office shall, unless he reside in a city or town in which such office is situated, be entitled to receive as compensation therefor, four cents a mile for every mile actually and necessarily traveled between his residence and such clerk's office, in going to and returning from such office, and five dollars. (§ 17 *Election Law*, 1892.)

Fee of  
inspectors  
for filing  
papers.

## Notices and Publications by Secretary of State.

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### Notices of elections by secretary of state.

The secretary of state shall, at least three months before each general election, make and transmit to the county clerk of each county, a notice under his hand and official seal, stating the day upon which such elections shall be held, and stating each officer, except city, village and town officers, who may lawfully be voted for at such election by the electors of such county, or any part thereof. Notice to county clerk of general election.

If any such officer is to be elected to fill a vacancy, the notice shall so state. The secretary of state shall forthwith, upon the filing in his office of the governor's proclamation ordering a special election, make and transmit to each county clerk, a like notice of the officers to be voted for at such special election in such county or any part thereof, and cause such proclamation to be published in the two newspapers published in such county, having the largest-circulation therein, at least once a week until such election shall be held. Notice of special elections.

Each county clerk shall forthwith, upon the receipt of either such notice, file and record it in his office. (§ 5 Duty of clerk. *Election Law*, 1892).

### Notice of submission of proposed constitutional amendment or other proposition.

If it is provided by law that a constitutional amendment or other proposition or question shall be submitted to a popular vote at a general election, the secretary of state shall include in his notice to the county clerk, of the general election, a copy of such amendment, proposition or question, with the forms of the ballots to be voted thereon; and if more than one such amendment, proposition or ques- Notice of submission at general elections.

tion is to be voted upon at such election, the amendments and ballots shall be separately and consecutively numbered.

At special election.

If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk a like notice. Each county clerk shall, forthwith upon the receipt of either such notice, file and record it in his office. (§ 6 *Election Law*, 1892.)

**Publication of concurrent resolutions, proposed constitutional amendments and other propositions.**

Publication of resolutions.

The secretary of state shall cause each concurrent resolution of the two houses of the legislature agreeing to a proposed amendment to the constitution, which is referred to the legislature to be chosen at the next general election of senators, to be published once a week for three months next preceding such election, in two newspapers published in each county, representing the two political parties polling the highest number of votes at the then last preceding general election, and in one additional newspaper published in each county for every one hundred thousand people in such county, as shown by the then last preceding federal or state enumeration. Such additional newspapers shall be selected by the secretary of state with reference to making such publications in newspapers having the largest circulation in the county in which they are published.

If such resolution does not state that such proposed amendment is so referred to such legislature, the secretary of state shall publish in connection with the publication of such concurrent resolution, a statement that such amendment is referred to the legislature to be chosen at the next general election.

The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the electors of the state at a general or special election, to be published for the like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such

submission will be made, and the forms of the ballots to be voted thereon.

If such proposed amendment or other proposition or question is to be submitted at a special election to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as soon as practicable after such appointment, and shall continue once in each week to the time of the election. (§ 7 *Election Law*, 1892.)

**Transmission of election laws to clerks and election officers.**

The secretary of state shall, at least sixty days before the first general election held after this chapter takes effect, transmit to the county clerk of each county a sufficient number of copies of this chapter, as amended at the time of the preparation thereof, to furnish one such copy to the county clerk, and one to each town, village and city clerk and to each inspector of election in such county. He shall annually, within sixty days before each general election thereafter, transmit a like number of copies of the statutes amending or repealing any portion of this chapter, and of such other statutes relating to elections passed during each next preceding year, or such new compilations made by him of the statutes relating to elections, as he shall deem advisable, to the county clerk of each county.

The county clerk of each county shall forthwith transmit one of each such copies to each such officer in such county. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office, and upon the expiration of his term, deliver it to his successor. (§ 19 *Election Law*, 1892.)

# ELECTION REGULATIONS.

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## Date of general election.

Date of  
general  
election.

"A general election shall be held annually on the Tuesday next succeeding the first Monday of November." (§ 2, *Election Law, chap. 680, Laws 1892.*)

## Times of opening and closing polls of elections.

Time of  
opening  
and closing  
poll.

No ad-  
jourment  
or inter-  
mission.

"The polls of every general election, and unless otherwise provided by law, of every other election, shall open, if in the city of New York, at six o'clock in the forenoon; if elsewhere, at sunrise; and shall close, if in the city of New York, at four o'clock in the afternoon, if elsewhere at sunset. After the polls are open there shall be no adjournment or intermission of the election, until the polls are closed." (§ 3 *Election Laws, chap. 680, Laws 1892, as amended in 1894.*)

## Opening the polls.

Meeting of  
election  
officers.

"The inspectors of election, poll clerks and ballot clerks of each election district, shall meet at the time duly appointed for opening the polls of each election for which official ballots are required to be provided, at the polling place therein, within the space enclosed by the guard rail, for the purpose of conducting such election.

Election  
district.

Presiding  
officers.

Ballot  
clerks.

Within the meaning of this article, the territory in which the voters, entitled to vote at any such polling place resides, shall be deemed an election district; the presiding officers of such election at such polling place shall be deemed inspectors of election of such district, and any inspector or other officer duly designated to distribute official ballots to voters thereof shall be deemed a ballot clerk thereof.

Inspectors  
to have  
boxes,  
ballots, etc.,  
within rail.

The inspectors of election shall then and there have the ballot-boxes required by law for the reception of ballots to be voted thereat; the box required for the reception of unvoted ballots; the sealed packages of official ballots, sample ballots

and instruction cards required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the register of such voters, and the certified copies thereof, required to be made and kept therefor.

Each such poll clerk shall then and there have the book required for keeping the poll-list of such election.

Poll-list.

The inspectors shall thereupon open the sealed packages of instruction cards, and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in or about the polling place; shall open the sealed packages of official ballots and sample ballots and place them in charge of the ballot clerks; and shall before any ballots are cast, unlock the ballot boxes and the box for the reception of unvoted ballots, see that they are empty, allow the watchers present to examine them, and lock them up again while empty, in such manner that the watchers present and persons just outside the guard rail can see that such boxes are empty when they are relocked.

Opening and distribution of packages of cards and ballots.

Unlocking boxes.

Watchers may examine.

Relocking boxes.

The instruction cards, so posted, shall not be taken down, torn or defaced during such election.

Cards not to be taken down, etc.

The ballot clerks with the official and sample ballots, the inspectors with such boxes and registry lists, and the poll clerks with their poll-list books, shall be stationed as near each other as practicable within such enclosed space.

Officers, how stationed.

One of the inspectors shall then make proclamation that the polls of the election are opened, and of the time o'clock in the afternoon when the polls will be closed." (§ 100, *Election Law*, chap. 680, *Laws* 1892.)

Proclamation of opening of poll.

### Proclamation of opening the polls.

Hear ye! hear ye! hear ye! The polls of this election is opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election on pain of imprisonment. And all persons are desired to take notice that the poll will be closed at sunset.

Form of proclamation.



## General regulations.

Boxes and ballots to be kept within rail.

"From the time of such meeting for the purpose of conducting such election, until the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors, such boxes and all the official ballots shall be kept within the guard rail.

Who admitted within rail.

No person shall be admitted within the guard rail during such period, except such inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting, and persons duly admitted to assist disabled voters, and in the city of Brooklyn the members of the board of canvassers, and in the city of New York persons lawfully designated by candidates to be present at the canvass of the votes.

Boxes not to be unlocked.

After such boxes are so relocked, while empty at the opening of the polls, they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of such certificate.

Placing of ballots, etc., therein.

Delivery of ballots restricted.

No person shall deliver to any voter within such guard rail a paster, paster ballot or any other ballot than such as the ballot clerks are lawfully authorized to deliver to a voter."

(§ 101, *Election Law, chap. 680, Laws 1892.*)

## Watchers — challengers — electioneering.

Watchers.

"Each political party duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by writing signed by the committee or other similar representative of such organization or by the chairman thereof, and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. No such committee or representative for a town or ward shall appoint watchers for any polling place outside such town or ward. Such watchers may be present at such polling place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot-box at the

opening of the polls of such election, until after the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors.

A reasonable number of challengers, at least one person of each such party, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. Challengers.

No person shall, while the polls are open at any polling place, do any electioneering within such polling place, or within one hundred and fifty feet therefrom in any public street or room, or in a public manner." (§ 102, *Election Law*, chap. 680, *Laws* 1892. Electioneering.

#### Preservation of order by inspectors at elections and their meetings.

"All meetings of the board of inspectors shall be public. Meetings public.  
The said board, and each individual member thereof, shall have full authority to preserve peace and good order at such meetings and around the polls of an election, and to keep the access thereto open and unobstructed, and to enforce obedience to their lawful commands during their meetings. Preservation of order.  
The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful command of the inspectors, or by disorderly conduct, in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing the sheriff or any constable of the county, or any peace officer, to take the person so offending into custody and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election. Such order shall be executed by any sheriff, constable or peace officer to whom the same shall be delivered, but if none shall be present by any other person deputed by such board in writing. The said board, or any member thereof, may order the arrest of any person other than an election officer violating, or attempting to violate, any of the provisions of this election code." (§ 16, *Election Law of 1892 as amended by chap. 275, Laws 1894.* Order in case of refusal to obey commands.  
  
Order, how executed.

**Form of precept in case of refusal to obey the lawful commands of the inspectors.**

(Blank precepts should be provided beforehand and be in possession of the board ready to be filled up for use.)

Form of precept in case of refusal to obey commands.

"The people of the State of New York to the sheriff of the (city and) county of . . . . ., or the constable of said (city or) county :

Whereas, at the present annual (or special) election, held in and for election district number . . . . , in the town of . . . . . (or in the . . . . . ward of the city of . . . . .), or said county, James Jackson did willfully and intentionally obstruct the passage-way to the polls of the said election, thereby hindering and preventing free access to the said poll, in open and known violation of the command of us, the undersigned, inspectors of this election, previously and publicly given in his hearing. You are, therefore, hereby ordered forthwith to arrest the said James Jackson, and him safely keep and detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals this . . . day of . . . . , 18.."

(To be signed by all or a majority of the inspectors.)

**Form of deputation to be written on back of precept in case no sheriff or constable is present.**

Form of deputation.

"No sheriff or constable being present we hereby depute A B to execute the within process."

(To be signed by all or a majority of board.)

**Form of precept. In case of disorderly conduct in presence or hearing of inspectors.**

Form of precept in case of disorderly conduct.

"The people of the state of New York to the sheriff of the (city and) county of . . . . ., or to any constable of said county :

Whereas, at the present annual (or special) election, held in and for election district number . . . . in the town of . . . . . (or in the . . . . ward of the city of . . . . .), in said (city and) county, James Jackson, in the presence (or in the hearing) of us, the undersigned inspectors of the said election, did by disorderly conduct, to wit, by (here describe the misconduct particularly, as by loud and boisterous noises, or by violent stamping, or by assaulting A. B., etc., or by commencing a riot and affray with divers persons, or as the case may be) interrupt and disturb the proceedings of us, the said inspectors, in conducting the election. You are, therefore, hereby ordered forthwith to arrest the said James Jackson,

and him safely detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals, this .... day of ..... , 18.."

(The above should be signed by, at least, a majority of the inspectors.)

### General duties of ballot clerks.

"The ballot clerks shall deliver official ballots to the voters in such order that the numerical order of the numbers printed on the stubs of each set of ballots so delivered, shall be the same as the order of the successive deliveries thereof to the voters, the set of ballots numbered one on the stubs being first delivered and so on.

Order of delivery of ballots.

They shall not deliver to any voter a portion only of one full set of any kind of official ballots provided for such polling place, and all the ballots so delivered together, at one time, to any one voter, shall have the same printed number on their stubs.

Delivery regulated.

They shall, upon the delivery of official ballots to each voter, announce the voter's name, the number printed on the stub of each ballot so delivered, and, if in a city, the voter's residence by street and number, or if it have no street number a brief description of the locality thereof.

Announcement upon delivery of ballots.

Upon the return of a set of ballots to them by any voter, they shall announce the name of the voter returning them, and the printed number on the stubs of the ballots so returned. They shall cancel and carefully preserve all such ballots returned to them by voters, and shall not again deliver any such returned ballots to a voter.

Announcement upon return of ballots.

Disposition of returned ballots.

They shall carefully preserve all detached stubs delivered to them by the inspectors.

Preservation of stubs.

They shall immediately upon the closing of the polls of each election, prepare and sign a written statement showing the number of full sets of official ballots delivered by them to voters, the number of such sets returned to them, the number of such sets not delivered by them to the voters, and the number of sets of detached stubs returned to them by the inspectors; and shall inclose all such ballots so returned to them, all such ballots not delivered to voters, and all such detached stubs, in a sealed package, and deliver it, together

Statement of ballots, delivered, etc.

Delivery and return of unvoted ballots, etc.

with such written statement, if in the city of Brooklyn, to the chairman of the board of canvassers, and if elsewhere to the chairman of the board of inspectors." (§ 106, *Election Law*, chap. 680, *Laws* 1892.

Preservation of stubs.

Stubs need not be kept in separate boxes.

"Stubs detached from ballots voted must be preserved by ballot clerks, but need not necessarily be kept in separate boxes." (*Opinion Attorney-General*.)

Form for ballot clerk's certificate of ballots delivered, etc.

[To be filed with the county clerk, or officer or board which prepared the ballots voted.]

Form of certificate of ballots delivered, etc.

This is to certify that at the general (city, village or town, as the case may be) election, held at the..... district poll in the town of ....., county of ....., on ....., 189...

The number of full sets of official ballots delivered to voters were :

(Democratic)	.....	.....
(Republican)	.....	.....
(Prohibition)	.....	.....
(.....)	.....	.....

Total.....

The number of such sets returned :

(Democratic)	.....	.....
(Republican)	.....	.....
(Prohibition)	.....	.....
(.....)	.....	.....

Total.....

The number of such sets not delivered to voters :

(Democratic)	.....	.....
(Republican)	.....	.....
(Prohibition)	.....	.....
(.....)	.....	.....

Total.....

The number of detached stubs returned by voters:

..... Total.....

(Signed.).....

Dated.....

*Ballot Clerks.*

**General duties of poll clerks.**

“Each poll clerk at each polling place for which official ballots are required to be provided, shall have a book for keeping the poll-list thereof, containing columns headed, respectively, numbers on ballots, names of voters, and if in a city, residence of voters. If there shall be more than one ballot-box lawfully required for the reception of votes cast thereat, there shall be an additional column in each poll-list book for each ballot-box, headed with the numbers or other designations, respectively, of such ballot-boxes.

Form of  
poll list.

Upon each delivery of a set of official ballots by the ballot clerks to a voter, each poll clerk shall enter upon his poll-list, in the appropriate columns, the printed number upon the stubs of the ballots so delivered, the name of the voter, in the alphabetical order of the first letter of his surname, and if in a city, the residence of the voter by street and number, or if it have no street number, a brief description of the locality thereof. If the set of ballots delivered to any voter shall be returned by him to the ballot clerks, the ballot number thereof, so entered on the poll-list, shall be canceled, by drawing a mark through it, leaving the number still legible, and upon the delivery of each additional set of ballots by the ballot clerks to the same voter, the poll clerks shall add, opposite the name of such voter on the poll-list, in the proper column, the printed number on the stubs of such additional set of ballots.

Entries  
therein  
upon de-  
livery of  
ballots.

Each poll clerk shall make a memorandum on the poll-list kept by him, of every instance of a voter receiving the assistance of another person in the voting booth, in the preparation of his ballot, stating the name of such voter, the substance briefly of the reasons for requiring such assistance as sworn to by the voter, and the name of the person rendering such assistance.

Proceedings  
upon return  
of ballots  
by voters.

Memoran-  
dum as to  
disabled  
voters.

Each poll clerk shall designate upon his poll-list, every

Challenges.

person entered upon his list, who shall have been challenged and taken either of the oaths upon such challenge, by some appropriate mark opposite the name of each such person.

Report of numbers on stubs upon offer to vote.

Check marks on lists.

Delivery of lists at close of election.

As each voter offers his ballots to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll-list kept by him, as the number on the stubs of the ballots last delivered to such voter, is the same as the number on the stubs of the ballots so offered. As each voter votes, each poll clerk shall check the name of such voter on his poll-list, and if there be more than one ballot-box for the reception of votes cast, shall enter a check in each column headed to correspond to each ballot-box into which a ballot of such voter is deposited. Upon the close of the polls of the election, the poll clerks shall deliver such poll-lists to the chairman of the board of inspectors thereof. (§ 107, *Election Law, chap. 680, Laws 1892.*)

Form of poll list—Sample of alphabetical page.

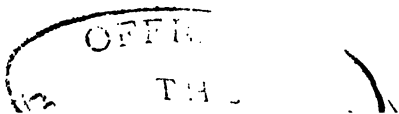
Form of poll list.

Numbers on ballots.	Names of voters.	Residence of voters.	Box —			
			1	2	3	
*680 <del>450</del>	✓ Adams, John.....	4000 Swan street....	✓	✓	..	Challenged.
689	✓ Anthony, Smith J..	Albany ... ..	✓	✓	..	
409	✓ Andrews, William.	369 State street....	✓	✓	..	Blind, assisted by John Doe.
1006	✓ Archer, Frank J ..	736 Madison avenue.	✓	✓	..	

The check marks opposite the names and in each column headed to correspond to each ballot-box should be placed on the poll list as soon as the voter votes.

Upon the close of the polls the poll list to be delivered to the chairman of board of inspectors.

\* If the set of ballots delivered are returned the ballot number thereof so entered on the poll list, shall be canceled, by drawing a mark through it, leaving the number still legible.



### General duties of inspectors in connection with the balloting.

"One of the inspectors of election at each polling place, while the polls of an election thereat are open, shall be designated to receive the ballots from the voters voting. If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks to a voter, ascertain whether such voter is duly registered, and so announce to the ballot clerks, who shall not deliver any ballots to such voter until such inspectors announce that such voter is registered. Upon each delivery of ballots to a voter, such inspectors shall enter opposite the name of such voter upon the register and in each of the certified copies thereof, the number printed on the stubs of the ballots of each set so delivered, canceling any previous number so entered, without rendering it illegible. As each person, so registered, votes, they shall check his name upon such register, and upon each of the two certified copies thereof.

Designation of inspector to receive ballots.

Inspector to announce whether votes is registered.

Entry upon registers upon delivery of ballots.

Check marks upon voting.

The inspectors shall, forthwith upon detaching the stubs from any set of official ballots, deliver such detached stubs to the ballot clerks." (§ 108, *Election Law, chap. 680, Laws 1892.*)

Detached stubs to be delivered to ballot clerk.

### Removal, mutilation or destruction of election supplies, poll-lists or cards of instruction.

"Any person who :

1. During an election or town meeting, willfully defaces or injures a voting booth or compartment, or willfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law ; or,
2. Before the closing of the polls, willfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law ; or,
3. During an election or town meeting, willfully removes or defaces the cards for the instruction of voters, posted in accordance with the election law, is guilty of a misdemeanor." (§ 41e *Penal Code, as amended in 1894.*)

Penalty for destruction of supplies, lists, etc.



**Delivery of ballots to voters.**

Entry of  
voters with-  
in guard  
rail.

“While the polls of such election are open, the voters entitled to vote and who have not previously voted thereat, may enter within the guard rail of the polling place of such election, for the purpose of voting, in such order that there shall not at any time be within such guard rail more than twice as many voters as there are voting booths thereat, besides the persons lawfully within such guard rail for other purposes than voting.

Announce-  
ment of  
names, etc.,  
by voter.

Upon entering within the guard rail, for such purpose, the voter shall forthwith proceed to the ballot clerks and announce his name, and, if in a city, his residence by street and number, or if it have no street number a brief description of the locality thereof, and if required by the inspectors thereat, shall state whether he is over or under twenty-one years of age. If such voter is entitled to vote thereat, and is not challenged, or if challenged and the challenge be deemed in his favor, the ballot clerks thereat shall deliver, unfolded, to such voter, a full set, one of each kind, of the official ballots so provided. The ballot clerks may instruct the voter how to fold his ballot, by folding the sample ballot in his presence, or otherwise than by folding an official ballot. Sample ballots may, in the discretion of the ballot clerks, be taken by voters into the voting booths, and left there during the election.”  
(§ 103 *Election Law*, chap. 680, *Laws* 1892.)

Delivery of  
ballots  
to voter.

Instructions  
in folding  
ballots.

Sample bal-  
lots may be  
taken into  
booths.

**Delivery of constitutional amendment ballots.**

Constitu-  
tional  
ballots.

“One full set of all ballots, including constitutional amendment ballots, must be delivered to the voter.”  
(*Opinion of Attorney-General.*)

**Ballot clerks not to fold ballot.**

“Ballots must not be folded by the ballot clerks for a voter.” (*Opinion of Attorney-General.*)

Not to fold ballots.

**Preparation of ballots for voting.**

“The voter upon receiving such official ballots and instructions shall immediately enter one of the voting booths, if there be one vacant, or if none be vacant, as soon as one shall become vacant. Not more than one person shall occupy one voting booth at the same time, except that a voter who shall declare under oath\* to the inspectors of election that, by reason of † total blindness, loss of both hands, such total inability in both hands that he cannot use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter the booth alone, he is unable to receive or prepare his ballots without assistance, may select a person for that purpose, who shall be allowed to pass within the guard rail and receive such ballots and to enter the voting booth with such voter and there assist him in preparing his ballot. The person so selected shall not in any manner request, or seek to persuade or induce such voter to vote any particular ballot or for any particular candidate, and shall not directly or indirectly reveal to any other person the name of any candidate voted for by such voter, or anything occurring within such voting booth, and he shall not remain within the guard rail longer than is necessary to assist such disabled voter. No voter shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot, or divulge to any one within the polling place the name of any candidate for whom he intends to vote, or for whom he has voted. No person shall occupy a voting booth more than ten minutes while all the other booths are occupied.

Voter to enter booth.

Assistance for disabled voters.

Assistant not to influence voter, reveal names voted, etc.

Other assistance and divulging names prohibited.

Ten minutes in booth.

Within such voting booths and not elsewhere, the name of any person for whom the voter desires to vote for any office

Paster ballots, etc., use of.

\*For form of oath in case of physical disability, see page 105.

† For opinions on physical disability, see pages 106 and 107.

Matter  
written or  
pasted, how  
placed on  
ballots.

named on the official ballot, may be written on the official ballot which the voter proposes to vote; or a paster containing one or more such names or offices may be pasted thereon; or a paster ballot containing the names of all the candidates for whom the voter may vote for all such offices, may be pasted thereon. Every such paster or paster ballot shall be not more than four inches wide, shall be printed on white paper, in plain black ink, and in type uniform with that used on the official ballots. The paper on which such pasters or paster ballots are printed shall not be thicker or heavier than the paper on which the official ballots are printed. All such matter written or pasted on an official ballot shall be written or pasted below the perforated line, on the face of the ballot, being the side and division of the ballot on which the names of offices and candidates are printed, and so that no such pasted matter shall project beyond the sides of the official ballot upon which it is pasted, and so that no part of such paster or paster ballot shall be visible when the ballot is properly folded for voting.

Names,  
written or  
pasted,  
choice of  
voter.

Any name so written or pasted upon a ballot voted, shall be deemed the choice of the voter, notwithstanding the name of another candidate for the same office may be upon the original ballot without being erased, covered, or concealed by the written or pasted matter. But if the names of two or more candidates for the same office are printed on such ballot and a less number of names of candidates for such office be written or pasted thereon, each such name printed on the official ballot shall, if not erased, covered or concealed, be deemed the choice of the voter.

Manner of  
folding  
ballots.

After the voter has prepared his ballot for voting, and before leaving the booth, he shall fold \* it and each of the other official ballots in his possession first crosswise by bringing the bottom of each ballot up to the perforated line, and then in the middle lengthwise, in such manner that, when folded, the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, and so that the stub can be removed without removing any other part of the

\* For illustration of manner of folding ballot, see pages 61 and 62.

ballot, and without exposing any part of the face of the ballot below the stub. No voter shall place any other mark upon, or tear or deface any of the ballots so folded by him, and prepared for presentation to the inspectors. If one of the official ballots delivered to a voter shall be spoiled before so prepared, the voter may, upon returning to the ballot clerks all the official ballots delivered to him, obtain from them another full set, one of each kind, of the official ballots; but not more than four sets in all, of official ballots shall be delivered to any voter. A voter may, after receiving one set of official ballots and before voting, return all such ballots to the ballot clerks and then pass outside the guard rail; and afterwards, while the polls are open, enter once again within the guard rail for the purpose of voting, and receive and prepare his ballots and vote, the same as if he had not once before been within the guard rail and received his ballots therefor. But not more than two sets in all of official ballots, shall, on such account, be delivered to any voter, and no voter shall pass within the guard rail more than twice, at the same election, for the purpose of voting." (§ 104, *chap.* 680, *Laws* 1892.)

Marks prohibited.

Spoiled ballots, replacing of.

May return ballots and pass outside rail.

May enter again for voting.

### Form of oath to be administered in case of physical disability.

You do solemnly swear (or affirm) that by reason of total blindness (loss of both hands or such total inability in both hands that you cannot use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter the booth alone, as the case may be), you are unable to prepare your ballot to be voted at this election without assistance, and you have selected M..... to assist you in the preparation of your ballot.

.....  
Subscribed and sworn to before me {  
this....day of.....189.. }

.....  
*Inspector of Election.*

### Physical disability — unable to read or write.

"The fact that a person cannot read or write, by reason of a defective education, is not, in my opinion, such a physical disability to prepare ballots as is contemplated by the words used in the statute, unless the inability to read or write

Not physically disabled.

arises from bodily ailment or infirmity." (*Opinion Attorney-General.*)

**Physical disability—illiterate deaf and dumb voters.**

Not physically disabled.

"Voters who are deaf and dumb and who can neither read nor write are not thereby physically disabled in a manner entitling them to assistance in voting." (*Opinion Attorney-General.*)

**Physical disability—voter taking oath entitled to assistance.**

Entitled to assistance.

"A voter taking the physical disability oath is entitled to the assistance provided." (*Opinion Attorney-General.*)

**Physical disability—inspectors not judges of kind or extent of disability.**

Inspectors not judges.

"The inspectors of election do not seem to be made, in any way by this statute, the judges of the kind or extent of the "physical disability" with which the voter is inflicted.

Voter must take oath.

"The voter himself must, however, declare, under oath, that by reason thereof "he is unable to prepare his ballot without assistance." This is quite analogous to the requirements of the general election laws of the State, that the voter when challenged may take the "general oath," and if he persists in his claim to vote, the Court of Appeals has held that it is imperative on the inspectors to receive the vote and deposit the same in the ballot box. (*See People v. Pease*, 27 N. Y., 53; *Goetcheus v. Matthewson et al.*, 61 N. Y., 420.)

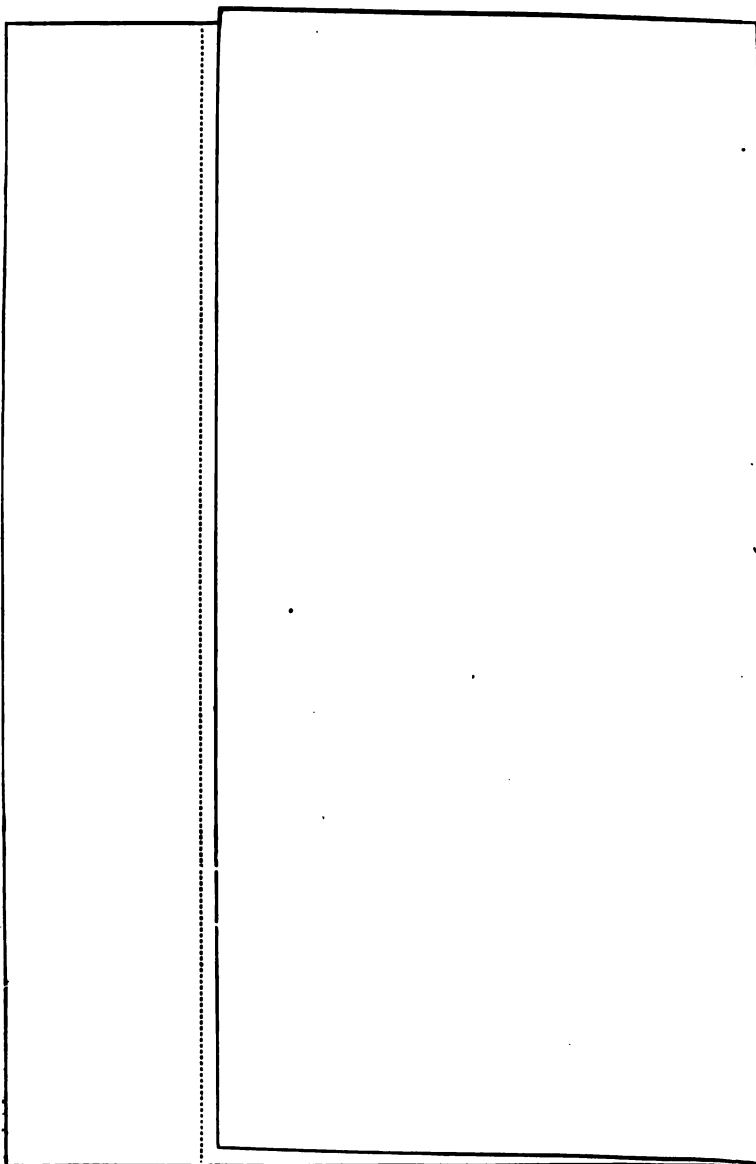
Statute complied with if voter insists.

"The statutory provision cited is a new one, but the question suggested is one frequently asked and will necessarily arise before the inspectors of election on election day, and while the construction above indicated may not be entirely free from doubt, yet after the best consideration which I have been able to give the matter I am of the opinion that the statute will be complied with, if the voter so insists, by taking the oath provided.

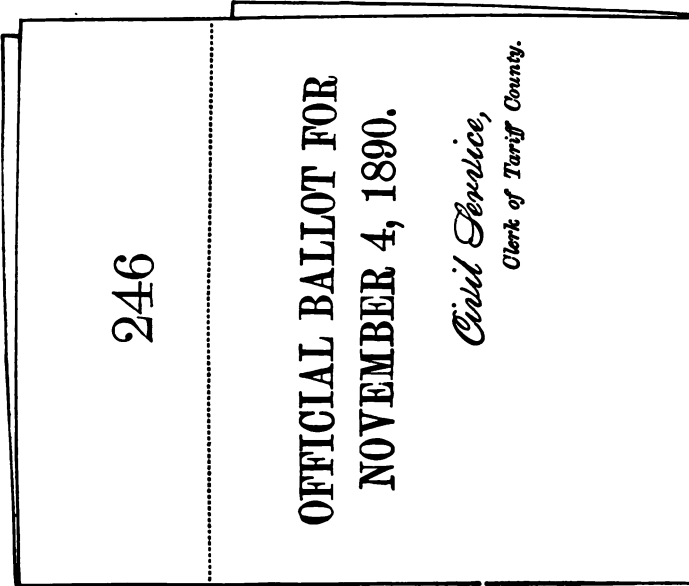
Liability of voter.

"The voter must, however, see to it that this declaration is not false, in fact, for if it is he is liable to be prosecuted for perjury; and while we may admit that the inspectors would have no right to inquire into the truth or falsity of the voter's declaration, no such objection exists to the qualifications or authority of a grand jury to make this inquiry." (*Opinion Attorney-General.*)

**Instruction for folding ballot.**  
**BALLOT — FIRST FOLD LENGTHWISE.**



BALLOT — SECOND FOLD CROSSWISE.



Each official ballot shall be of uniform size and of uniform paper in color and quality. It shall be six inches wide and of uniform length at each poll in each county. It shall have a perforated line running across the top so as to leave the space therein above said line one inch wide. The official ballot shall be folded first, lengthwise up to the perforated line across the top; second, then folded crosswise.

**Manner of voting.**

“When the ballot a voter proposes to vote shall be prepared, and it and all the others of the same set delivered to him shall be properly folded, he shall leave the voting booth with the ballots so folded, and keeping all his ballots so folded, shall proceed at once to the inspector in charge of the ballot-box, and first hand to such inspector the ballot he intends to vote. Such inspector shall announce the name of the voter and the printed number on the stubs of the official ballots in the voter’s possession. If such voter be entitled then and there to vote, and he shall not be challenged, or if challenged and the challenge be determined in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stubs and the printed indorsement on the back, and if such printed number is the same as that entered on the poll list as the number on the stubs of the set of official ballots last delivered to him by the ballot clerk, such inspector shall receive such ballot which the voter intends to vote, and after removing the stub therefrom, in plain view of the voter and without removing any other part of the ballot, and without unfolding the ballot or in any way exposing any part of the face thereof below the stub, shall deposit it in the proper ballot-box for the reception of voted ballots. The voter shall thereupon, and after the ballot voted by him is deposited in the ballot box, hand to the inspector in charge of the box for unvoted ballots, all the other official ballots of the same set delivered to him which he does not intend to vote, properly folded, and such inspectors after removing the stubs therefrom, in like manner, shall deposit such ballots which the voter does not intend to vote, still so folded in the box for unvoted ballots. Such voter shall then forthwith pass outside the guard rail, unless he be one of the persons authorized to remain within the guard rail for other purposes than voting.

Voter to first hand ballot to be voted.

Inspector to announce name, etc.

To receive ballot.

Removal of stub and deposit of ballot in box.

Delivery of unvoted ballots to inspector.

Deposit in box.

Voter to pass outside of rail.

If the voter presents ballots improperly folded to such inspector, he may be further instructed as to the manner of properly folding his ballot, otherwise than by folding or unfolding the official ballots, and may return again, not exceed-

Presenting ballots improperly folded.



ing four times in all, to the voting booth to properly prepare his ballots. No official ballots however folded shall be unfolded outside the voting booth.

Ballots to be delivered back before leaving rail.

No person to whom any official ballots shall be delivered, shall leave the space within the guard rail until he shall deliver back all such ballots either to the inspectors, or to the ballot clerks." (§ 105, *Election Law, chap. 680, Laws 1892.*)

#### When unofficial ballots may be voted.

In case ballots not provided or supply exhausted.

"If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballots, may be used. Whenever a candidate for any office, whose name is printed on the official ballot, shall, before election day be or become ineligible or withdraw, voters may use unofficial ballots in voting to fill the office for which such deceased, ineligible or withdrawn candidate was nominated, and the name of the deceased, ineligible or withdrawn candidate shall be considered as having been erased from the official ballot; but such unofficial ballot shall contain only the name of the person voted for in lieu of the deceased, ineligible or withdrawn candidate, under the name of the office for which such person is a candidate." (§ 109, *Election Law, chap. 680, Laws 1892.*)

When candidate becomes ineligible, withdraws, etc.

#### Challenge, preliminary oath and examination.

When person may be challenged.

"A person may be challenged either when he applies to the ballot clerks for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector, by any elector. The name of the person challenging shall not be disclosed by an election officer unless required by a court or a judicial officer. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. If any person offering to vote at any election shall be challenged in relation to his right to vote thereat, one of the inspectors shall tender to him the following

Name of challenger not to be disclosed.

Duty of inspector.

Preliminary oath.

preliminary oath: '*You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector.*' The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which shall be put to him, his vote shall be rejected. After receiving the answer of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient."

(§ 110, *Election Law*, chap. 680, *Laws* 1892.)

Form of preliminary oath.

Examination of person challenged.

Rejection of vote upon refusal.

Board to point out qualifications.

#### Form of questions under preliminary oath.

1. What is your name?
2. What is your age?
3. Where do you now reside? State as precisely as you are able the particular locality of your place of residence.
4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?  
*If a naturalized citizen.*
9. *When were you naturalized?*
10. *Where and in what court, or before what officer.*
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?

Form of questions.

13. How long do you contemplate residing in this election district?

14. Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?

15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for giving your vote at the next ensuing election?

15. Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?

17. Have you been convicted of bribery or any infamous crime, or, if convicted, have you been pardoned and restored to all the rights of citizenship?

Additional questions.

In addition, such other questions may be asked which may tend to test the qualifications of the person offering to vote as a resident of the election district, citizenship and right to vote at such polling place.

#### General oath on challenge.

General oath, if voter persists.

“If the person so offering to vote, shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath: ‘*You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ten days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district, and that you have not voted at this election.*’

Additional oath as to bribery, etc.

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors: “*You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any*

money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "*You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen.*"

Additional oath as to conviction of crime.

If any person shall refuse to take either oath so tendered, his vote shall be rejected." (§ 111, *Election Law*, chap. 680, *Laws* 1892.)

Rejection of vote upon refusal.

#### Challenges — powers of inspectors.

"Inspectors of election have no judicial powers authorizing them to reject the vote of any person offering same who complies with the statutory tests." (*Opinion Attorney-General.*)

No judicial power to reject vote, etc.

#### Challenges — naturalization papers.

"Inspectors of election cannot require a foreign-born voter to produce his naturalization papers." (*Opinion Attorney-General.*)

Cannot require production of papers.

#### Challenges — voters taking oath entitled to vote.

"Voters answering the questions and taking the oath prescribed are entitled to vote." (*Opinion Attorney-General.*)

Voters entitled to vote.

#### Challenges — voters must take oath.

"A person whose right to vote is challenged on election day must take the oath required by law, notwithstanding any oath he may have taken to procure the registration of his name." (*Opinion Attorney-General.*)

Oath to be also taken on election day.

#### Minutes respecting persons challenged.

"The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering

Minutes as to challenges

Certificate  
thereto.

oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, at each polling place, the inspectors thereat shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election." (§ 112, *Election Law*, chap. 680, *Laws* 1892.)

#### Form of memorandum of challenges.

Form of  
memoran-  
dum of  
challenges.

"At a general election held in election district number . . . ., in the town of . . . . ., (or in the . . . . ward of the city of . . . . .) in the county of . . . . ., on the . . . day of November, 18. ., the following persons were challenged and respectively took the oath or oaths as stated below, to-wit:

Peter Polk, John Dallas, Joel O'Hern, each took the preliminary oath; whereupon the challenge was in each case withdrawn.

John Smith, Jr., Henry Jones, Dennis O'Brien, each took the preliminary and also the general oath (or affirmation).

We certify that the above is a true minute and statement of the persons challenged who took either or both of the oaths or affirmations required by law."

Dated at . . . . ., November . . . ., 18. .

GEORGE F. CRAFT,  
PETER L. LANSING,  
DAVID B. TUNNICLIFF,  
*Inspectors.*

#### Canvass of votes by inspectors.

Canvass of  
votes.

"As soon as the polls of an election are closed, if in the city of Brooklyn, the board of canvassers and if elsewhere, the inspectors of election thereat, shall publicly canvass and estimate the votes and not adjourn or postpone the canvass until it shall be fully completed.

No adjourn-  
ment.

Comparison  
of poll-lists  
and count-  
ing of  
ballots.

They shall commence by comparing the two poll-lists with each other, correcting any mistake therein and by counting the ballots found in the ballot-boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll-lists to have been deposited therein. If the ballots found in any box shall be more than the number

Excess to be  
drawn, etc.

of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken and one of the inspectors or canvassers shall, without seeing the same, publicly draw out as many ballots as shall be equal to such excess and without unfolding them deposit them in the box for unvoted ballots.

If two or more ballots shall be found in a ballot-box so folded together as to present the appearance of a single ballot, they shall be destroyed, if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll-lists to have been deposited therein and not otherwise.

Ballots folded together, when destroyed.

If there lawfully be more than one ballot-box for the reception of ballots voted at any one polling place, no ballot, properly indorsed, found in the wrong ballot-box shall be rejected but shall be counted in the same manner as if found in the proper ballot-box, if such ballot shall not together with the ballots found in the proper ballot-box make a total of more ballots than are shown by the poll-lists to have been deposited in the proper box.

Ballots in wrong box not to be rejected.

No ballot that has not the official endorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots.

Ballots without official endorsement.

If requested by any watcher the inspectors or canvassers shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector or canvasser shall not allow any such ballot to be taken from his hands.

Exhibition of ballots to watcher.

When an inspector of election or other election officer or duly authorized watcher shall, during a canvass of the votes, or immediately after the completion thereof, declare his belief that any particular ballot, paster, or paster ballot affixed thereto, has been written upon or marked in any way for the purpose of identification, the inspectors or canvassers shall write on the back of such ballot the words "objected to because marked for identification," or words in substance to that effect, and sign their names thereto, and attach each such ballot to their written statement of the result of the canvass.

Ballots objected to, to be marked.

To be attached to statement.

To be  
counted.

Each such ballot shall be counted by them the same as if not objected to." (§ 114, *Election Law*, chap. 680, *Laws* 1892.)

#### Counting of paster ballots.

Paster bal-  
lots, count-  
ing of.

"Paster ballots in order to be counted must be placed on the face of an official ballot."

"A paster ballot for candidates placed on a constitutional amendment ballot cannot be counted."

"A paster ballot improperly attached to an official ballot should not be counted. The inspectors are to decide the matter in the first instance." (*Opinions of Attorney-General.*)

Matter how  
written or  
pasted on  
paster  
ballots.

"All such matter written or pasted on an official ballot shall be written or pasted below the perforated line, on the face of the ballot, being the side and division of the ballot on which the names of officers and candidates are printed, and so that no such pasted matter shall project beyond the sides of the official ballot upon which it is pasted, and so that no part of such paster or paster ballot shall be visible when the ballot is properly folded for voting.

Names so  
written or  
pasted  
choice of  
voter.

Any name so written or pasted upon a ballot voted, shall be deemed the choice of the voter, notwithstanding the name of another candidate for the same office may be upon the original ballot without being erased, covered or concealed by the written or pasted matter. But if the names of two or more candidates for the same office are printed on such ballot and a less number of names of candidates for such office be written or pasted thereon, each such name printed on the official ballot shall, if not erased, covered or concealed, be deemed the choice of the voter." (*Extract from Election Law*, § 104, chap. 680, *Laws* 1892.)

#### Powers and duties of inspectors in counting votes.

Inspectors  
simply min-  
isterial  
officers.

"They are simply ministerial officers, performing the duties of the office as the statute directs. (See *People v.*

*Bell*, 119 N. Y., 175.) It has been repeatedly held that a canvassing board has no power to determine that votes returned as cast for one man were, in fact, intended for another person bearing another and different although similar name, and has no power to count and allow such votes for such other person; but that such facts can be only properly ascertained and determined in an action or proceeding in the nature of a *quo warranto*. (*The People v. Cook*, N. Y., 67; *Kortz v. Board of Canvassers of Greene County*, 12 Abb. N. S., 84.)" (*Opinion Attorney-General*.)

Irregular, defective or informal ballots, as for instance where the Christian or surname, or part of a name only, is given, and again where several designations of office are united, as Governor and Lieutenant-Governor, should be canvassed and returned exactly as given and be attached to the statement of canvass. Irregular, defective, etc., ballots

Well-known abbreviations of Christian names, such as Geo. for George, Thos. for Thomas, Wm. for William, etc., may be allowed and counted, as also names misspelled, as Jacob for Jacob and Jonsen for Johnson, but so the pronunciation is not varied. When there is a change or omission or addition of a middle letter, the vote, if regular in other respects, should be counted as cast and returned exactly as given. Allowance of abbreviated and misspelled names  
Middle letter of names.

### Sample method of counting votes.

A sample method which has been found to work successfully is as follows: After the first count for the purpose of comparing the ballots found in each box, with the number shown by the poll lists, they should be separated into two or more piles, according to the number of party ballots voted, namely: Democratic, republican, prohibition, etc., putting the scratched or split ballots in a separate pile. The straight vote for each party may then be counted and set down upon one of the sample ballots under the column Sample method of counting vote.



marked "straight." This disposes of all the straight ballots. The split or scratched ballots may then be counted for each name separately and the number set down opposite the candidates names for the respective offices on the sample ballot under the column marked "split." A memorandum of the split votes for candidates not on the regular ticket should be kept on a separate sheet of paper.

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For Governor,					Illustration of sample method of counting vote.
ROSWELL P. FLOWER.	Straight.	Split.	Total.		
	119	+ 54	- 173		
For Lieutenant-Governor,					
WILLIAM F. SHEEHAN.	119	+ 51	- 170		
For Secretary of State,					
FRANK RICE,	119	+ 58	- 177		
For Comptroller,					
FRANK CAMPBELL.	119	+ 56	- 175		
For Attorney-General,					
SIMON W. ROSENDALE.	119	+ 52	- 171		

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For Governor,				
JACOB SLOAT FASSETT,	Straight.	Split.	Total.	
	108	+ 19	- 127	
For Lieutenant-Governor,				
JOHN W. VROOMAN.	108	+ 21	- 129	
For Secretary of State,				
EUGENE F. O'CONNOR.	108	+ 18	- 126	
For Comptroller,				
ARTHUR P. WADE.	108	+ 25	- 133	
For Treasurer,				
IRA M. HEDGES.	108	+ 14	- 122	
For Attorney-General,				
WILLIAM E. SUTHERLAND.	108	+ 16	- 124	

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**Certified statement of canvass.**

Statement  
of result of  
canvass.

“Upon the completion of the canvass, the inspectors, except in the cities of New York and Brooklyn, shall make and sign a written statement thereof, showing the date of the election, the number of the district, the town or ward and the county in which it was held, the whole number of ballots received for each office, the whole number cast for each person for such office and the whole number of ballots objected to because marked for identification, written out at length in words and at the end thereof a certificate, signed by the inspectors, to the effect that the statement is in all respects correct.

Samples of  
ballots to be  
attached to  
statement.

Such inspectors shall securely attach to such statement one official ballot of each kind voted for all the officers to be chosen at such election. They shall state in words, at full length and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of the ballots which were received, having the same names for the same offices as the one attached.

If two or more ballots cast, varying from every official ballot, shall have thereon the names of the same candidates for the same offices throughout, only one of such ballots shall be annexed to such statement and there shall be written partly upon it and partly upon the paper to which it is attached, a statement of the number of such ballots cast. The ballots so attached with such statements so written shall be deemed a part of the certified statement of the canvass by the inspectors.

All other ballots cast at such election, not containing the names of the same candidates for the same offices as appear upon any other ballot so cast, shall be securely attached to such statement.

Certified  
copies of  
statement.

Unless such election be an election of town, city, village or school officers held at a different time from a general election, such inspectors shall forthwith and before adjourning make two certified copies of such certified statement of the result of the canvass.

Ballots to be  
destroyed.

Forthwith, upon the completion of such certified statements,

and of such copies thereof if required, and the proclamation of the result, the ballots voted and not required to be attached to such certified statement or to such copies, and the contents of the box for the reception of unvoted ballots, without examination thereof, shall be destroyed." (§ 115, *Election Law*, chap. 680, *Laws* 1892.)

### False returns.

"An inspector or poll clerk of an election or town meeting, who intentionally makes, or attempts to make, a false canvass of the ballots cast thereat, or any false statement of the result of a canvass, though not signed by a majority of the inspectors, or any person who induces or attempts to induce any such inspector or clerk so to do, is guilty of a felony." (§ 41*n*, *Penal Code*.)

Penalty for making false returns, etc.

### . Attaching of ballots to certificate of canvass.

"Samples of the ballots voted must be attached to the copies of, as well as to, the original certificate of canvass."

Ballots to be attached, designated.

"The voted ballots should be used for the forms of the various kinds of ballots voted to be attached to the certificate of canvass.

"One of each kind of split ballots voted should be attached to the statement of canvass by the inspectors of election.

"Ballots alleged by election officers or watchers to be marked for identification must be indorsed and returned by inspectors." (*Opinions Attorney-General*.)

### Form of statements of canvass.

"Statement of the result of a general election held in and for the.....election district of the town of..... (or of the.....ward of the city of.....), in the county of....., on the.....day of November, in the year of our Lord one thousand eight hundred and ninety, made by the inspectors of elections in and for said district, viz.:

Form of statement of canvass.

The whole number of votes given for the office of governor was three hundred and fifty, of which

Roswell P. Flower received one hundred votes.

Jacob Sloat Fossett received two hundred votes.

Joseph W. Bruce received forty-nine votes.

ELECTION REGULATIONS.

Objected to because marked for identification, one vote.  
*(The statement to include also in its proper order each of the officers to be chosen at the same election.)*

We certify that the foregoing statement is in all respects correct.

Dated this . . . . day of November, in the year 189 . . . .”

A B,  
 C D,  
 E F,

*Inspectors.*

Additional certificate to be subjoined to COPIES to be filed in town or city clerk’s office.

“We certify that the foregoing is a true copy of the original statement made by us for the board of county canvassers.

A B,  
 C D,  
 E F,

*Inspectors.”*

(Here attach ballots and write statements thereon as follows :)

<p>“The whole number of ballots, corresponding with the one on which this statement is partly written, was two hundred and fifty ;</p> <p>(BALLOT.) or,</p> <p>The whole number of ballots received like this, was two hundred and fifty.</p> <p>[And so proceed with each kind of two or more ballots received.]</p>
---

<p>Attach at the bottom all other ballots cast not containing names of same candidates, and all ballots “objected to because marked for identification.”</p>
--

A B,  
 C D,  
 E F,

*Inspectors.”*

**Proclamation of result.**

Upon the completion of such canvass and of the certified statement of the result thereof, the chairman of the inspectors of election shall make public oral proclamation of the whole number of votes cast at such election at such polling-place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the name of office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted." (§ 116, *Election Law, chap. 680, Laws 1892.*)

Proclama-  
tion of  
result.

**Form for proclamation of result.**

"Hear ye! hear ye!! hear ye!!! The whole number of votes given for the office of (governor), found in the box just canvassed, was (1090); of which number there were given for said office, for Roswell P. Flower (595), for Jacob Sloat Fassett (362), for Joseph W. Bruce (153)," (naming each person voted for, for the office of governor, and the number of votes given for him for that office).

Form for  
proclama-  
tion.

"The whole number of votes given for the office of lieutenant-governor, found in the same box, was ...; of which there were given for that office, for William F. Sheehan ..., for John W. Vrooman ...." *Proceed on with the votes given for the different candidates.*

**Delivery and filing by the inspectors of papers relating to the election.**

"If the election be other than an election of town, city, village or school officers held at a different time from a general election, the inspectors of each election district except in the cities of New York and Brooklyn, shall forthwith upon the completion of such certified statement of the result, deliver such certified statement to the supervisor of the town in which the election district, if outside of a city, is situated and if in a city, to one of the supervisors of such city. If there be no such supervisor or he be absent or unable to attend the

Delivery of  
statement  
of result to  
supervisor.

Delivery to  
assessor.

Filing of  
papers, etc.,  
with town  
or city clerk

Filing of  
papers, un-  
voted bal-  
lots, etc.,  
with county  
clerk.

Statements  
of results of  
town, city or  
village elec-  
tions, etc.,  
when filed,

Detached  
stubs and  
unvoted bal-  
lots, how  
filed in New  
York and  
Brooklyn.

Preserva-  
tion of de-  
tached stubs  
and unvoted  
ballots.

meeting of the county board of canvassers, such certified statement shall be forthwith delivered to an assessor of such town or city. One certified copy of such certified statement of the result of the canvass, the poll-lists of such election and the register and two certified copies thereof checked by such inspectors at such election shall be forthwith filed by such inspectors or by one of them deputed for that purpose, with the town clerk of such town or the city clerk of such city as the case may be. One certified copy of such certified statement of the result of the canvass, the minutes as to challenges certified by such inspectors and the sealed packages of detached stubs and unvoted ballots prepared and delivered to the chairman of the inspectors by the ballot clerks, shall within twenty-four hours after the completion of such canvass, be filed by such inspectors or by one of them deputed for that purpose with the county clerk of the county in which the election district is situated.

If the election be an election of town, city or village officers, held at a different time from a general election, elsewhere than in the cities of New York and Brooklyn, such certified statement of the result of the canvass, the certified minutes as to challenges, the poll lists of the election, the packages of detached stubs and unvoted ballots, and if it be an election at which any registered voters can vote, the register and two certified copies thereof used and checked at the election shall, forthwith upon the completion of the canvass, be filed by the inspectors with the clerk of the town, village or city, as the case may be.

Such packages of detached stubs and ballots not voted, prepared by the ballot clerks, shall be filed by inspectors of election in the city of New York, with the board of police commissioners, and by the board of canvassers, in the city of Brooklyn, with the board of election. Such packages shall be preserved in the offices in which they are so filed for one year from the time of the filing thereof, may be opened and examined upon the order of a court or judge, or by any board of canvassers of the returns of election district canvassers, and at the expiration of such year, may be destroyed." (§ 117, *Election Law*, chap. 680, *Laws* 1892.)

**Delivery of ballots — by whom made.**

“The ballots to be returned to the county clerk should be taken to that official by the election officer authorized to file the official canvass.” (*Opinion Attorney-General.*)

**Personal delivery of papers.**

“The duty of making a return of the ballots and statement to the county clerk should be personally attended to, and not done by mail.” (*Opinion by Attorney-General.*)

**Judicial investigation of ballots objected to as marked for identification.**

“If any such certified statement of the result of a canvass shall show that any of the ballots counted were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election, within thirty days thereafter, issue out of the supreme court, if such statement be filed in a county clerk’s office, to the board of county canvassers, or if in any city clerk’s office or in any town or village clerk’s office, to the board or body of canvassers if any of the returns of the inspectors or canvassers of the election district, and otherwise to the inspectors of election making such statement, requiring a recount of the votes. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, in any manner not proper or necessary for expressing a vote for a person for an office to be filled at such election, the court may order such ballot to be excluded upon a recount of such votes. Inspectors and canvassers of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.” (§ 118, *Election Law, chap. 680, Laws 1892.*)

**Misdemeanors in relation to elections.**

Any person who :

1. Acts as an inspector of election, poll clerk or ballot clerk, without being able to read and write the English language, or without being otherwise qualified to hold such office; or,



2. Being an inspector of election, knowingly and willfully permits or suffers any person to vote who is not entitled to vote thereat; or,

3. Willfully and unlawfully obstructs, hinders or delays, or aids or assists in obstructing or delaying any elector on his way to a registration or polling place, or while he is attempting to register or vote; or,

4. Electioneers, on election day, within a polling place, or in a public street or room, or in any public manner, within one hundred and fifty feet of a polling place; or,

5. Removes any official ballot from a polling place before the closing of the polls; or,

6. Unlawfully goes within the guard rail of any polling place or unlawfully remains within such guard-rail after having been commanded to remove therefrom by any inspector of election; or,

7. Enters a voting booth with any voter or remains in a voting booth while it is occupied by any voter, or opens the door of a voting booth when the same is occupied by a voter, with the intent to watch such voter while engaged in the preparation of his ballot, except as authorized by the election law; or,

8. Being or claiming to be a voter, permits any other person to be in a voting booth with him while engaged in the preparation of his ballot, except as authorized by the election law, without openly protesting against and asking that such person be ejected; or,

9. Having lawfully entered a voting booth with a voter, requests, persuades or induces such voter to vote any particular ballot or for any particular candidate, or, directly or indirectly, reveals to another the name of any candidate voted for by such voter, or anything occurring within such voting booth; or,

10. Shows his ballot after it is prepared for voting to any person so as to reveal the contents, or solicits a voter to show the same; or,

11. Places any mark upon his ballot, or does any other act in connection with his ballot with the intent that it may be identified as the one voted by him; or

12. Places any mark upon, or does any other act in connection with, a ballot or paster ballot, with the intent that it may afterwards be identified as having been voted by any particular person; or,

13. Receives an official ballot from any person other than one of the ballot clerks having charge of the ballots; or,

14. Not being a ballot clerk, delivers an official ballot to a voter; or,

15. Not being an inspector of election, receives from any voter a ballot prepared for voting; or

16. Fails to return to the ballot clerks, before leaving the polling place or going outside the guard-rail, each ballot not voted by him; or,

17. Willfully disobeys any lawful command of the board of inspectors, or any member thereof, is guilty of a misdemeanor. This section shall apply to general and special elections, municipal elections and town meetings, but nothing therein shall prevent any person from receiving or delivering an unofficial sample ballot, or from receiving, delivering and voting an unofficial ballot as authorized by the election law." (§ 41*k*, *Penal Code as amended in 1894*.)

**Misconduct of election officers and watchers.**

"Any election officer or watcher who :

1. Reveals to another person the name of any candidate for whom a voter has voted; or,

2. Communicates to another person his opinion, belief or impression as to how or for whom a voter has voted; or,

3. Places a mark upon a ballot, or does any other act by which one ballot can be distinguished from another, or can be identified; or,

4. Before the closing of the polls, unfolds a ballot which a voter has prepared for voting, is punishable by imprisonment for not less than six months nor more than one year. (§ 41*i*, *Penal Code as amended in 1894*.)

**Violation of election law by public officer.**

"A public officer who omits, refuses or neglects to perform any act required of him by the election law, or refuses to permit the doing of any act authorized thereby, is, if not

otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both." (§ 41j, *Penal Code*.)

**Conspiring to promote or prevent election of persons.**

Any two or more persons who conspire to promote or prevent the election of any person or persons to a public office by the use of any means which are prohibited by law, shall be punishable by imprisonment for not less than six months nor more than one year; provided, any act besides such agreement be done to effect the object thereof by one or more of the parties to such conspiracy. (§ 41u, *Penal Code*.)

## County and State Boards of Canvassers.

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### Organization of county boards of canvassers.

"The board of supervisors of each county, except New York, and the assessors, if any, to whom the original statements of the results of the canvass of the votes cast at any election in the several election districts in such county shall be delivered in pursuance of law, shall be the county board of canvassers of such county. County board of canvassers.

The members of the county board of canvassers of each county shall meet at the office of the county clerk thereof on the Tuesday next after each election of public officers held in such county, other than an election of town, city, village or district school officers held at a different time from a general election. Upon such meeting they shall choose one of their number chairman of such board. Such county clerk, or if he be absent or unable to act, the deputy county clerk of such county, shall be the secretary of such board. The secretary of the board shall thereupon administer the constitutional oath of office to the chairman of the board, who shall then administer such oath to each member and to the secretary of the board. Organization of board.

A majority of the members of such board shall constitute a quorum thereof. Quorum.

If on the day fixed for such meeting, a majority of any such board shall not attend, the members of the board then present shall elect the chairman of the board and adjourn to some convenient hour of the next day." (§ 130 *Election Law*, 1892.) Adjournment.

### Production of election district statements before county board.

"Thereupon the county clerk shall deliver to such board all the original and certified copies of such statements of results of canvass filed with or delivered to him. All such Delivery of statements to board.

original statements delivered to the members of such board shall be then delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall at or before such meeting cause to be delivered to the county clerk of such county all such original statements delivered to him.

Adjourn-  
ments.

If at the first meeting of a county board of canvassers of any county all such original statements of the results of the canvass of the votes cast at such election in all the election districts in the county, shall not be produced before the board, the board shall adjourn to some convenient hour of the next day and the county clerk of such county shall, by special messenger or otherwise, obtain such missing original statements if practicable or certified copies thereof in time to be produced before such board at its next meeting.

Canvass of  
votes.

At such adjourned meeting or as soon as an original or certified copy of such statement of the result of the canvass of the votes cast at such election in every election district in the county shall be produced before such board, the board shall from such original statements and certified copies proceed to canvass the votes cast in such county at such election other than for town, city or village officers or upon propositions or questions upon which the voters of a portion only of such county were entitled to vote. (§ 131 *Election Law*, 1892.)

#### Correction of clerical errors in election district statements.

Board to  
return  
statement.

If upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement or copy, which should have been inserted, or that any merely clerical mistake exist therein, they shall cause such statement or copy to be sent by one of their number, whom they shall depute for that purpose to the inspectors or other canvassers whose names are subscribed thereto, for correction, and the member so deputed shall immediately give notice to such inspectors or canvassers, who shall forthwith meet and make such correction as the facts of

Inspectors,  
etc., to  
make cor-  
rections.

the case require; but such inspectors or canvassers shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day, not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements." (§ 132 *Election Law*, 1892.)

Adjournment of board.

**Mandamus to compel correction of errors by state and county boards of canvassers.**

"The supreme court may, upon affidavit presented by any voter, showing that errors have occurred in any state-  
ment or determination made by the state board of canvassers, or by any board of county canvassers, or that any such board has failed to act in conformity to law, make an order requiring such board to correct such errors, or perform its duty in the manner prescribed by law, or show cause why such correction should not be made or such duty performed. If such board shall fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board by a writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and the statements and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law."

Courts may make order.

May compel correction.

Meetings, statements, etc., of boards.

A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of

the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty. (§ 133 *Election Law*, 1892, as amended by chap. 302, *Laws* 1894.)

**New or corrected statements of county board.**

Transmis-  
sion of  
copies to  
state  
officers.

Duty of  
secretary  
of state.

New state-  
ment and  
canvass.

“When a new or corrected statement or certificate, made by a board of county canvassers under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or either of them, the county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section one hundred and thirty-seven of this act, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified statement received by him, and obtain from the governor and comptroller the certified statements received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy of statements has been received by him, appoint a meeting of the state canvassers, to be held at his office, or the office of the state treasurer or comptroller, and the said board of state canvassers shall, from such certified copies of statements, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or either of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statements, in the manner provided by section one hundred and thirty-nine of this act. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or either of them, and the statement, certificate and

declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former. The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any voter in the county from which such statement came, and upon proof by affidavit that the same has been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session. The state board of canvassers and the secretary of state shall respectively have the same powers, and discharge the same duties with reference to statements made under this section, that they have and are charged with under the provisions of section one hundred and thirty-nine and one hundred and forty of this act." (§ 134 *Election Law*, 1892. *Added by chap. 302, Laws 1894.*)

Court may  
compel  
board to  
act and  
canvass.

Reconven-  
ing of state  
board.

Powers and  
duties.

#### Statement of canvass by county board.

"Upon the completion by a county board of canvassers of their canvass of the votes so cast in such county, they shall make separate statements thereof as follows: One statement as to all the votes, if any, so cast for all the candidates for each office of elector of president and vice-president of the United States for which the electors of

Statements  
of canvass  
county  
boards.



such county were entitled to vote at such election ; another statement as to all the votes so cast for all the candidates for each state office and for each office of representative in congress for which the electors of such county or any portion thereof are entitled to vote ; another statement as to all the votes, if any, cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the electors of the state at such election ; another statement as to all the votes cast for all the candidates for each office of member of assembly for which the electors of such county or any portion thereof, were entitled to vote at such election ; another statement as to all the votes, if any, so cast for all the candidates for each county office and office of school commissioner for which the electors of such county or any portion thereof, were entitled to vote at such election ; another statement as to all the votes, if any, so cast upon any proposition or question upon which only the electors of such county were entitled to vote at such election.

Contents of  
statement.

Each such statement shall set forth in words written out at length all the votes so cast for all the candidates for each such office, and if any such office was to be filled at such election by the electors of a portion only of such county, all the votes cast for all the candidates for each office in any such portion of the county designating it by its proper district number or other appropriate designation, the names of each such candidate and the number of votes so cast for each, the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question and of all the votes so cast in favor of and against the same respectively.

Objected to  
ballots,  
how  
counted,  
etc.

If upon such canvass any statement or duly certified copy of statement of the result of the canvass of the votes of any election district in such county, shall have any ballot annexed thereto, indorsed by the inspectors or canvassers to the effect in substance that it was objected to as marked for identification, the county board of canvassers shall count such ballot as though not so marked, unless otherwise ordered by a court of competent jurisdiction, but they

shall add to each appropriate statement in which the count of any such ballot or portion thereof is included, a statement of the whole number of ballots so indorsed and counted for all the candidates for each office and the number of such ballots so counted for each candidate.

“Each such statement shall be certified as correct over the signatures of the members of the board or a majority of them and shall be filed and recorded in the office of the county clerk of such county.” (§ 135 *Election Law*, 1892.)

Certificates  
and filing.

#### Decisions of county board as to persons elected.

“Upon the completion of such statements, each county board of canvassers shall determine what person has been so elected to each office of member of assembly to be filled by the electors of such county, if constituting one assembly district, or in each assembly district therein if there be more than one, and each person elected to each county office of such county to be filled at such election, and if there be more than one school commissioner district in such county, each person elected to the office of school commissioner to be filled at such election in each such district. The county clerk of the county of Hamilton shall forthwith transmit to the county clerk of the county of Fulton, a certified copy of the statement so filed and recorded in his office, of the county board of canvassers of Hamilton county, as to all the votes so cast in Hamilton county for all the candidates and for each of the candidates for the office of member of assembly of the assembly district composed of Fulton and Hamilton counties; and the county clerk of Fulton county shall forthwith deliver the same to the Fulton county board of canvassers, who shall from such certified copy and from their own statement as to the votes so cast for such office in Fulton county, determine what person was at such election elected to such office.

Determina-  
tions of  
county  
board.

Such board of each county shall determine whether any proposition or question submitted to the electors of such county only, has been adopted or rejected.

All such determinations shall be reduced to writing and signed by the members of such board, or a majority of

How made  
and filed.

them, and filed and recorded in the office of the county clerk of such county, who shall cause a copy thereof and of the statements filed and recorded in his office upon which such determinations were based, to be published in at least one newspaper published in such county, and in such other newspapers published therein as the county board of canvassers shall direct.

Notice to  
persons  
elected.

The clerk of each county shall prepare as many certified copies of each certificate of the determination of the county board of canvassers of such county as there are persons declared elected in such certificate, and shall, without delay, transmit such copies to the persons therein declared to be elected, respectively." (§ 136 *Electron Law*, 1892.)

**Transmission of statements of county boards to the secretary of state.**

Statements  
of votes  
for state  
officers

"Upon the filing in the office of a county clerk of a statement of the county board of canvassers as to the votes cast for candidates for the office of electors of president and vice president, or as to the votes cast for candidates for state officers and representatives in congress, or as to the votes cast upon any proposed constitutional amendment or other proposition or question submitted to all the electors of the state, such county clerk shall forthwith make three certified copies of each such statement, and within five days after the filing thereof in his office, transmit by mail, one of such copies to the secretary of state, one to the governor, and one to the comptroller. The governor and comptroller shall forthwith upon the receipt thereof by them, deliver such certified copies to the secretary of state. If any such certified copy shall not be received by the secretary of state on or before the last day of November next after a general election, or within twenty days after a special election, he shall dispatch a special messenger to obtain such certified copy from the county clerk required to transmit the same, and such county clerk shall immediately upon demand of such messenger, at his office, make and deliver such a certified copy

Duty of  
secretary  
of state  
upon fail-  
ure to re-  
ceive state-  
ments.

to such messenger who shall as soon as practicable deliver it to the secretary of state.

The county clerk of each county shall transmit to the secretary of state, within twenty days after a general election and within ten days after a special election, a list of the name and residence of each person determined by the board of county canvassers of such county to be elected member of assembly, school commissioner, and to any county office; and on or before the fifteenth day of December in each year a certified copy of the official canvass of the votes cast in such county by election districts at the next preceding general election.

The secretary of state shall obtain from the governor and comptroller such certified copies so transmitted to them, and file the same in his office." (§137 *Election Law*, 1892.)

#### Organization of state board of canvassers.

"The secretary of state, attorney-general, comptroller, state engineer and surveyor, and treasurer shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and he\* shall forthwith attend accordingly and shall, with the other such officers attending, constitute such board.

The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statements of boards of county canvassers of such election.

He shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days." (§ 138 *Election Law*, 1892.)

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\* So in the original.

**Canvass by state board.****Canvass  
by state  
board.**

"Such board shall at such meeting proceed to canvass the certified copies of the statements of the county boards of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be illegal or irregular, and shall protest against the same, he shall state such dissent or protest in writing, signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office.

**Statement  
of canvass.**

Upon the completion of such canvass, such board shall make separate statements written out in words at length and signed by the members of such board or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, and of the whole number of votes cast for each of such candidates, the name of each office and if the voters of a district only of the state were entitled to vote for candidates therefor, the name and number of such district, and the name of each candidate, and the determination of the board of the person thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown by such copies to have been voted upon, the whole number of votes cast in favor of and against each respectively, and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest shall be delivered to the secretary of state and recorded in his office." (§ 139 *Election Law*, 1892.)

**Record.****Certificates of election.****Certificates  
of election.**

"The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to votes cast for candidates for any office, to the person shown thereby to have been elected thereto. He shall prepare a general certificate under the seal of this state, and attested by him as secretary thereof,

addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of a due election of the persons so chosen at each election, as representatives of this state in congress; and shall transmit the same to the house of representatives, at their first meeting. If either of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him." (§ 140 *Election Law*, 1892.)

**Record in office of secretary of state of county officers elected.**

"The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected and their places of residence, the offices to which they were respectively elected, and the terms of office." (§ 141 *Election Law*, 1892.)

## Election of Representatives in Congress and Electors of President and Vice-President.

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### **Representatives in congress, when and how chosen.**

**Election.** “Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any **Resignations and vacancies.** such representative shall resign he shall forthwith transmit a notice of his resignation to the secretary of state, and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state.” (§ 160 *Election Law*, 1892.)

### **Electors of president and vice-president, when and how chosen.**

**Election of electors.** “At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors.” (§ 161 *Election Law*, 1892.)

### **Meeting and organization of the electoral college.**

**Meeting and organization of electoral college.** “The electors of president and vice-president shall convene at the capitol on the second Monday in January next following their election, and those of them who shall be assembled at twelve o'clock noon of that day, shall imme-

diately at that hour fill, by ballot, and by plurality of votes, all vacancies in the electoral college, occasioned by death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body." (§ 162 *Election Law*, 1892.)

**Secretary of state to furnish college with lists of electors.**

"The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state, of the number of votes given for each person for whose election any and all votes were given, together with the certificate of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state, and deliver the same thus signed and sealed to the president of the college of electors, on the second Monday in January." (§ 163 *Election Law*, 1892.)

**Vote of the electors and their lists of persons voted for.**

"Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president.

They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein." (§ 164 *Election Law*, 1892.)



**Appointment of messenger and his duties.**

**Messengers** "The electors shall then, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the president of the senate, at the seat of government of the United States, before the third Monday in the said month of January.

In case there shall be no president of the senate at the seat of government, on the arrival of the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States" (§ 165 *Election Law*, 1892.)

**Other lists to be furnished.**

**Other lists.** "The electors shall also forward forthwith, by the post-office in the city of Albany, to the president of the senate of the United States, at the seat of government, and deliver forthwith to the judge of the United States for the northern district of the state of New York, similar lists signed, annexed, sealed up and certified in the manner aforesaid." (§ 166 *Election Law*, 1892.)

**Compensation of electors.**

**Compensation of electors.** "Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile, each way, from his place of residence, by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer." (§ 167 *Election Law*, 1892.)

## Town Meetings, and the Election and Tenure of Town Officers.

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### ARTICLE 21, TOWN LAW.

#### CHAPTER 569, LAWS OF 1890.

##### Time and place of annual town meeting.

§ 10. "The electors of a town, except in counties containing upwards of six hundred thousand inhabitants shall annually on the second Tuesday of February, assemble and hold town meetings at such place in the town as the electors thereof at their annual town meeting shall, from time to time appoint. If no place shall have been fixed for such meeting, the same shall be held at the place of the last annual town meeting in the town or election district, where town meetings of a town are held in election districts. The board of supervisors of any county may, by resolution adopted at an annual meeting of such board, fix a time when the annual town meetings in such county shall be held which shall be on some day between the first day of February and the first day of May inclusive, and such time, when so fixed shall not be changed for a period of three years. The annual town meetings in the towns in each county containing more than three hundred thousand and less than six hundred thousand inhabitants, according to the then last preceding state or federal enumeration, shall be held on the second Tuesday of March, eighteen hundred and ninety-two, and annually thereafter on the second Tuesday of March until otherwise directed by the board of supervisors of such county. At each such town meeting, in the year eighteen hundred and ninety-two, there shall be elected justices of the peace and such other town officers as are now required by law to be elected whether by expiration

Time and place of meeting.

Elections in 1890.

of term or otherwise, and the successors of those town officers respectively who were elected at the general election in eighteen hundred and ninety-one, and whose terms may expire at or before the town meeting of eighteen hundred and ninety-three. But nothing herein contained shall be so construed as to abridge or extend the terms of any of the town officers who were elected or appointed at the general election in the year eighteen hundred and ninety-one, but their terms of office shall continue until the expiration of the term for which such officers were elected or appointed, and at the expiration thereof their successors elected or appointed pursuant to this act, as hereby amended, shall enter upon the discharge of their duties and serve until the expiration of the term for which they have been severally elected or appointed and until their successors are elected and qualified." (*Thus amended by Laws 1893, chap. 82.*)

**Proviso.**

**Changing place of annual town meeting.**

**Changing place of meeting.**

§ 11. "The electors of a town may upon the application of fifteen electors therein, to be filed with the town clerk twenty days before an annual town meeting is to be held, determine at such meeting, by ballot, where future town meetings shall be held. Where town meetings in any town are held in separate election districts, the electors of each district may, at an annual town meeting, determine by resolution where its future town meetings shall be held. If any place so designated shall thereafter and before the close of the next annual town meeting be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the town board shall forthwith designate some other suitable place for holding such town meeting in said town or election district as the case may be." (*Thus amended by Laws 1893, chap. 23.*)

**Election of officers.**

**Election of officers.**

§ 12. "There shall be elected at the annual town meeting in each town, by ballot, one justice of the peace, one assessor, one collector, one commissioner of excise, one or two overseers of the poor, except in the counties of Richmond and Kings; one, two or three commissioners of highways, not

more than five constables, and two inspectors of election for each election district in the town; and at each alternate annual town meeting, one supervisor and one town clerk, except in the county of Kings. If there shall be any <sup>Vacancies.</sup> vacancies in the office of supervisor, town clerk, justice of the peace, assessor, commissioners of excise, commissioners of highways, or overseers of the poor, of any town at the time of holding its annual town meeting, persons shall then also be chosen to fill such vacancies, who shall hold their offices for the residue of the unexpired term for which they are respectively elected. All such officers, except justice of the peace, shall hold their respective offices until others are elected in their place and have qualified." *(Thus amended by Laws 1893, chap. 344.)*

#### Term of office.

§ 13. "Inspectors of election and constables, when elected, <sup>Term of office.</sup> shall hold their respective offices for one year, and supervisors and town clerks for two years, except in the county of Kings. But whenever there is or shall be a change in the time of holding town meetings in any town, persons elected to such offices at the next annual town meeting after such change shall take effect, shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until the next annual town meeting thereafter or until their successors are elected and have qualified." *(Thus amended by Laws 1893, chap. 344.)*

#### Justices of the peace.

§ 14. "There shall be four justices of the peace in each <sup>Justices of peace.</sup> town, divided into four classes, one of whom shall be annually elected and hold his office four years, commencing on the first day of January next succeeding his election.

#### Assessors.

§ 15. "There shall be three assessors in each town, <sup>Assessors.</sup> divided into three classes, each of whom shall hold his office three years."

**Commissioners of excise.**

Commis-  
sioners of  
excise.

§ 16. "There shall be three commissioners of excise in each town, composing the board of excise of such town, who shall be divided into three classes, each of whom shall hold his office three years. No supervisor, town clerk, justice of the peace or trustee of a village shall be a commissioner of excise."

**Commissioners of highways.**

Commis-  
sioners of  
highways.

§ 17. "The electors of each town may, at their annual town meetings, determine by resolution whether there shall be elected in their town one or three commissioners of highways. If only one shall be determined upon, and it shall be a town having but one commissioner of highways, one commissioner only shall thereafter be elected at each alternate annual town meeting who shall hold his office for two years. If three shall be determined upon, three commissioners of highways shall then be elected for the terms of one, two or three years respectively; and the person having the greatest number of votes for each term so designated, shall be deemed duly elected, and shall hold his office for the term so designated, and one commissioner only, for a full term, shall thereafter annually be elected, who shall hold his office for three years. Whenever any town shall have determined upon having three commissioners of highways and shall desire to have but one, the electors thereof may do so by a resolution taken at an annual town meeting, and when such resolution shall have been adopted, no other commissioner shall be elected or appointed until the term or terms of those in office at the time of adopting the resolution shall expire or become vacant; and they may act until their terms shall severally expire or become vacant as fully as if three continued in office. When there shall be but one commissioner of highways in any town, he shall possess all the powers and discharge all the duties of commissioners of highways as prescribed by law." (*Thus amended by Laws 1893, chap. 344.*)

**Overseers of the poor.**

§ 18. "The electors of each town may, at their annual town meeting, determine by resolution whether they will elect one or two overseers of the poor, and the number so determined upon shall be the number to be elected. If only one be determined upon, one overseer of the poor shall thereafter be annually elected, who shall hold his office for one year. If two overseers of the poor are determined upon, then two overseers of the poor shall be elected for the terms of one and two years respectively; and each ballot shall designate the person intended for the term of one year, and the person intended for the term of two years, and the person having the greatest number of votes for each term so designated shall be duly elected for the term so designated; and one overseer of the poor only, for the full term, shall thereafter annually be elected, for the term of two years. Whenever any town shall have determined upon having two overseers of the poor, the electors thereof may determine by a resolution at an annual town meeting to thereafter have but one, and if they so determine, thereafter no other overseer shall be elected or appointed, until the term of the overseer continuing in office at the time of adopting the resolution shall expire or become vacant, and the overseer in office may continue to act until his term shall expire or become vacant. The electors of any town may, at any annual or regularly called special town meeting, on the application of at least twenty-five resident taxpayers whose names appear upon the then last preceding town assessment-roll, adopt by ballot a resolution that there shall be appointed in and for such town one overseer of the poor. If a majority of the ballots so cast shall be in favor of appointing an overseer of the poor, no overseer of the poor shall thereafter be elected in such town except as hereinafter provided; and the overseers of the poor of such town elected at the town meeting at which such resolution is adopted or who shall then be in office shall continue to hold office for the terms for which they were respectively chosen; and within thirty days

Election of  
overseers of  
poor.

Appoint-  
ment of  
overseer.

Compensation of appointee.

Return to election of overseer.

before the expiration of the term of office of such elected overseer whose term expires latest, the town board of such town shall meet and appoint one overseer of the poor for such town who shall hold office for one year from the first day of May next after his appointment; and annually in the month of April in each year thereafter an overseer of the poor shall be appointed by the town board of such town for the term of one year from the first day of May next following such month of April. Each overseer of the poor so appointed shall execute and file with the town clerk an official undertaking in such form and for such sum as the town board may by resolution require and approve. An overseer of the poor, so appointed, shall not hold any other town office during the term for which he is so appointed, and if he shall accept an election or appointment to any other town office he shall immediately cease to be overseer of the poor. If a vacancy shall occur in the office of an overseer of the poor, so appointed, such vacancy shall be filled by the town board, by appointment, for the balance of the unexpired term. The compensation of an overseer of the poor, so appointed, shall be fixed by the town board of such town, but shall not exceed, in any one year, the sum of one thousand dollars, and shall be a town charge. At any subsequent town meeting after the expiration of three years from the adoption of a resolution by any town to appoint an overseer of the poor, the electors of the town may determine by ballot to thereafter elect one or more overseers of the poor, and if they determine so to elect, then at the next annual town meeting thereafter one or more overseers of the poor shall be elected in pursuance of the laws regulating the election of overseers of the poor, and the term or terms of the overseer or overseers first so elected shall commence upon the expiration of the term of office of the overseer of the poor last theretofore appointed in pursuance of law, and shall expire as though each such term commenced at the time of election; and their successors shall thereafter be elected in pursuance of law." (*Thus amended by Laws 1894, chap. 107.*)

**Inspectors for towns.**

"The presiding officer of each annual town meeting shall, immediately after the votes are canvassed, appoint by writing, two additional inspectors of election for each election district, to be associated with the two inspectors who shall have been elected, and which inspectors, so to be appointed, shall be those two persons in each election district who shall have received the highest number of votes next to the two persons who shall have been elected inspectors, and which inspectors, so to be appointed, shall belong to and be of the same political faith and opinion on state and national issues as one or the other of the two political parties which, at the last preceding general election for state officers, shall have cast the greatest and next to the greatest number of votes in said town, but they shall not belong to the same political party nor be of the same political faith and opinion on state and national issues as the inspectors who shall have been elected. If the two inspectors elected belong to different political parties, the inspectors appointed shall be the two candidates for inspectors not elected and receiving the highest and next to the highest number of votes respectively, and belonging to different political parties. No ballot shall be counted upon which more than two names for inspector for any one election district shall appear. The various election inspectors elected, or elected and appointed, for towns, under the provision of existing laws, shall continue to serve as such inspectors until January first, eighteen hundred and ninety-five. On or before the second Tuesday in September next the several election inspectors in the various towns, appointed under the provisions of existing laws, shall each appoint one additional election inspector, who shall serve with the other three election inspectors during their term of office; such appointment shall be made in writing and filed in the office of the town clerk. Such additional inspector shall belong to and be of the same political faith on state and national issues as the political party which at the last preceding town meeting shall have cast next to the highest number of votes, and when possible shall be one of

Appoint-  
ment of ad-  
ditional in-  
spectors.

Party rep-  
resenta-  
tion.

Counting  
of ballots.

Terms of.

Appoint-  
ments by  
inspectors  
in 1904.



the persons who, at the said town meeting, received next to the highest number of votes for election inspector. The additional inspector so appointed shall be subject to the provisions of existing laws, and of this act." (*Thus amended by Laws 1894, chap. 348.*)

#### Ballots for full term and vacancies.

Ballots for full terms and vacancies.

§ 20. "When the electors of any town are entitled to vote for more than one justice of the peace, assessor, commissioner of excise, commissioner of highways or overseer of the poor, each elector may designate upon his ballot the person intended for a full term and for a vacancy, and if there are two vacancies, they may be designated as the longer and the shorter vacancy; and if three vacancies, the longer, shorter and shortest vacancy, and each person having the greatest number of votes with reference to each designation, shall be deemed duly elected for the term or vacancy designated. If ballots are voted without designation, the first name on the ballot shall be deemed as intended for the full term of the office voted for, the second name for the longer vacancy, the third name for the shorter vacancy and the fourth name for the shortest vacancy. The provisions of this section shall apply to new towns erected; and officers to be elected in such towns, except for a full term, shall be deemed elected to fill vacancies.

#### Justices in new towns.

Justices in new town.

§ 21. "If there be one or more justices of the peace residing in a new town, when erected, they shall be deemed justices of the peace thereof, and shall hold their offices according to their respective classes; and only so many shall be elected as shall be necessary to complete the number of four for the town."

#### When more than four justices may hold office.

When more than four justices may hold office.

§ 22. "If by the erection of a new town, or the annexation of a part of one town to another, there shall at any time be more than four justices of the peace residing in any town, they shall hold and exercise their offices in the town in which they reside, according to their classes respectively;

but on the expiration of the term of office of two or more justices, being in the same class, only one person shall be elected to fill the vacancy in that class. Whenever by the erection of a new town, or the annexation of a part of one town to another, any town shall be deprived of one or more justices of the peace, by their residence being within the part set off, the inhabitants of such town shall, at its next annual town meeting, supply the vacancy so produced in the classes to which such justices belong."

#### Fence viewers.

§ 23. "The assessors and commissioners of highways elected in every town shall, by virtue of their offices, be fence viewers of their town." Fence viewers.

#### Powers of annual town meetings.

§ 24. "The electors of each town may, at their annual town meeting: Powers of town meetings.

1. Determine what number of constables, not exceeding five, and pound-masters shall be chosen in their town for the then ensuing year;
2. Elect such town officers as may be required to be chosen;
3. Direct the prosecution or defense of all actions and proceeding in which their town is interested, and the raising of such sum therefor as they may deem necessary;
4. Take measures and give directions for the exercise of their corporate powers;
5. Make provisions and allow rewards for the destruction of noxious weeds and animals, as they may deem necessary, and raise money therefor;
6. Establish and maintain pounds at such places within their town as may be convenient;
7. Direct public nuisances in their town, affecting the security of life and health, to be changed, abated or removed, and raise a sum of money sufficient to pay the expense thereof;
8. Make from time to time such prudential rules and regulations, as they may think proper, for the better improving of all lands owned by their town, in its corpor-

ate capacity, whether commons or otherwise; for maintaining and amending partition or other fences around or within the same, and directing the time and manner of using such land;

9. Make like rules and regulations for ascertaining the sufficiency of all fences in such town and for impounding animals; impose such penalties on persons offending against any rule or regulation established by their town, excepting such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offense, and apply the same, when recovered, in such manner as they may think most conducive to the interests of their town;

10. In towns bound to support their own poor, direct such sum to be raised, as they may deem necessary, for such purpose, and to defray any charges that may exist against the overseers of the poor in their town;

11. Determine any other question lawfully submitted to them;

Every order or direction, and all rules and regulations made by any town meeting, shall remain in force until the same shall be altered or repealed at some subsequent town meeting."

#### Special town meetings.

Special  
town  
meetings.

§ 25. "Special town meetings shall also be held whenever twenty-five taxpayers upon the last town assessment-roll shall, by written application addressed to the town clerk, require a special town meeting to be called, for the purpose of raising money for the support of the poor; or to vote upon the question of raising and appropriating money for the construction and maintenance of any bridges which the town may be authorized by law to erect or maintain; or for the purpose of determining in regard to the prosecution or defense of actions, or the raising of money therefor; or to vote upon any proposition which might have been determined by the electors of the town at the last annual town meeting, but was not acted upon thereat; or to vote upon or determine any question, proposition or resolution which may lawfully be voted upon or determined at a

special town meeting. Special town meetings may also be held upon the like application of the supervisor, commissioners of highways, or overseers of the poor, to determine questions pertaining to their respective duties as such officers, and which the electors of a town have a right to determine. An application and notice heretofore made and given for a special town meeting to be hereafter held for a purpose not heretofore authorized by law, but now authorized by law, shall be as valid and of the same force and effect as if such purpose had been authorized by law at the time of such application and notice." (*Thus amended by Law 1894, chap. 280.*)

#### Notices of town meetings.

§ 26. "No previous notice need be given of the annual town meetings; but the town clerk shall, at least ten days before the holding of any special town meeting cause notice thereof under his hand, to be posted conspicuously in at least four of the most public places in the town; which notices shall specify the time, place and purposes of the meeting."

#### Presiding officers of town meetings.

§ 27. "The justices of the peace of each town shall attend every town meeting held therein, and such of them as shall be present, shall preside at such meeting, and see that the same is orderly and regularly conducted, and shall have the like authority to preserve order, to enforce obedience and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election. If there be no justice of the peace present at such meeting, then such person as shall be chosen for that purpose by the electors present, shall preside and shall possess the like powers as the justice; such person appointed shall take the constitutional oath of office, before entering upon his duties as such presiding officer."

#### Clerk of meeting.

§ 28. "The town clerk last before elected or appointed, or, if he be absent, such person as shall be chosen by the electors present, shall be the clerk of the town meeting, and shall

keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting; such person chosen by the electors present shall take the constitutional oath of office before entering upon his duties as such clerk."

#### Duration of town meeting.

Duration  
of meeting.

§ 29. "Town meetings shall be kept open for the purposes of voting in the day-time only, between the rising and setting of the sun, and, if necessary, may be continued by a vote of the meeting during the next day, and no longer, and be adjourned to another place not more than one-fourth of a mile from the place where it was appointed."

#### Challenges.

Chal-  
lenges.

§ 30. "If any person offering to vote at any town meeting or upon any question arising at such town meeting shall be challenged as unqualified, the presiding officers shall proceed thereupon in the manner prescribed in the general election law when challenges are made, which law, with its penalties, is made applicable thereto, and no person whose vote shall have been received upon such challenge shall be again challenged upon any other question arising at the same town meeting."

#### Minutes of proceedings.

Minutes of  
proceed-  
ings.

§ 31. "The poll-list and minutes of the proceedings of every town meeting, subscribed by the clerk of such meeting, and by the officers presiding, shall be filed in the office of the town clerk within two days after such meeting and there preserved."

#### Transaction of business not requiring a ballot.

Transac-  
tion of  
business.

§ 32. "The business of the towns which requires a vote of the people otherwise than by ballot shall be commenced at twelve o'clock noon of the day of the annual town meeting and completed without adjournment. No question involving the expenditure of money shall be introduced after two o'clock in the afternoon of the same day. All ques-

tions upon motion made at town meetings shall be determined by the majority of the electors voting, and the officers presiding at such meeting shall ascertain and declare the result of the votes upon each question."

**Votes to expend over five hundred dollars.**

§ 33. "All votes in town meetings upon any proposition to raise or appropriate money or incur any town liability exceeding five hundred dollars shall be by ballot; if five hundred dollars or less may be viva voce, unless ballot is required by the law authorizing the expenditure."

Votes for  
expendi-  
tures over  
\$500.

**Notice of propositions to be determined by ballot.**

§ 34. "No proposition or other matter than the election of officers, shall be voted upon by ballot at any town meeting, unless the town officers or other persons entitled to demand a vote of the electors of the town thereon, shall, at least twenty days before the town meeting, file with the town clerk a written application, plainly stating the question they desire to have voted upon, and requesting a vote thereon at such town meeting. When town officers, as such, make the application for a vote to raise money for purposes pertaining to their duties, they shall file with their application a statement of their account to date, with the facts and circumstances which, in their opinion, make the appropriation applied for necessary, and their estimation of the sum necessary for the purpose stated, which statement may be examined by any elector of the town, and shall be publicly read by the town clerk at the meeting when and where the vote is taken, at the request of any elector. The town clerk shall, at the expense of his town, give at least ten days' notice, posted conspicuously in at least four of the most public places in town, of any such proposed question, and that a vote will be taken by ballot at the town meeting mentioned. He shall also, at the expense of his town, provide a ballot box, properly labeled, briefly indicating the question to be voted upon, into which all ballots voted upon the question indicated shall be deposited. He shall also prepare and have at the town meeting a sufficient number of written or printed ballots,

Applica-  
tions for  
vote.

Notice of  
applica-  
tion.

both for and against the question to be voted upon, for the use of the electors. The vote shall be canvassed, the result determined and entered upon the minutes of the meeting, the same as votes given for town officers."

**Proclamation of opening and closing polls.**

**Proclamation.**      § 35. "Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, and proclamation shall in like manner be made of each adjournment and of the opening and closing of the polls until the election is ended."

**Erection or discontinuance of pounds.**

**Pounds.**      § 36. "Whenever the electors of any town shall determine at an annual town meeting, to erect one or more pounds therein, and whenever a pound shall now be erected in any town, the same shall be kept under the care and direction of a pound-master, to be elected or appointed for that purpose. The electors of any town may, at annual town meeting, discontinue any pounds therein."

**Election of pound-masters.**

**Pound-masters.**      § 37. "Pound masters may be elected either (1) by ballot; (2) by ayes or noes, or (3) by the rising or dividing of the electors, as the electors may determine."

**Balloting.**

**Balloting.**      § 38. "When the electors vote by ballot, all the officers voted for, except commissioners of excise, shall be named in one ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be elected, and shall be delivered to the presiding officers so folded as to conceal the contents, and shall be deposited by such officers in a box, to be constructed, kept and disposed of, as near as may be, in the manner prescribed in the general election law. Commissioners of excise shall be voted for upon a separate ballot, which shall be deposited in a separate box marked "Excise." A poll-list shall be kept by the clerk of the meeting on which shall be entered the name of each person voting by ballot."

**Poll-list.**

**Canvass of votes.**

§ 39. "At the close of the polls at any town meeting, the canvassers shall proceed to canvass the votes publicly at the place where the meeting was held. Before the ballots are opened they shall be counted and compared with the poll-list, and the like proceedings shall be had as to ballots folded together, and difference in number as are prescribed in the general election law. The result of the canvass shall be read by the clerk to the persons there assembled, which shall be notice of the election to all voters upon the poll-list. The clerk shall also enter the result at length in the minutes of the proceedings of the meeting kept by him, and shall, within ten days thereafter, transmit to any person elected to a town office, whose name is not on the poll-list as a voter, a notice of his election.

Canvass of votes.

Result of canvass.

**Town meetings in election districts.**

§ 40. "The electors of a town may determine by ballot at an annual or special town meeting on the written application of twenty-five electors, that town meetings shall thereafter be held in the several election districts of their town, to be therein conducted by the inspectors of election thereof, instead of the justices of the peace of the town; or may authorize the town board to divide such town into two or more joint election districts, as provided in this section. The town board of any town which has been so authorized may divide such town into two or more joint election districts, for the purpose of holding town meetings therein, but such districts shall be constituted by combining the election districts in such town. If the town board of any town shall divide such town into joint election districts in pursuance of this section, such board shall select from the inspectors of election for such town three inspectors residing therein, not more than two of whom shall belong to the same political party, for each of such election districts as so constituted. Such inspectors shall act at the first town meeting held in such districts thereafter. At the first town meeting held in such districts and annually thereafter, there shall be elected in each of such districts

Determination of electors.

Division of towns into districts.

Inspectors of election.



in the same manner, and with the same qualifications as inspectors are elected for a general election, three inspectors of election for such district. If a town shall hold its town meeting in more than one district, the inspectors of each of such districts shall appoint one poll clerk, and in the conduct of such meetings they shall have the same powers and duties as the justices of the peace and town clerk have at the annual town meetings presided over by them. No town officer shall be required to make or render any report, statement or abstract at a town meeting when held in separate or joint election districts. At the close of the polls the inspectors shall forthwith publicly canvass the ballot cast, and, without postponement or adjournment, make a full and true statement of the whole number so cast for each and every candidate for an office balloted for, and of the whole number of votes for and against every question or proposition voted upon at such town meeting; and thereupon immediately destroy the ballots cast. Such statement shall be made in the same form as statements by such inspectors of the votes cast at general elections, and shall be signed by the inspectors and delivered by one of their number, selected by them, for that purpose, to the justices of the peace and town clerk of the town, who shall convene and receive the same at the office of the town clerk, on the day next following the town meeting, at ten o'clock in the forenoon. Such justices and clerk shall then and there recanvass such votes from the statements of the inspectors of the several separate or joint election districts so delivered to them, and thereupon appoint in writing additional inspectors of election, and read and enter the result in the same manner as required of them at the close of the canvass of a town meeting presided over by them. When the electors of a town have determined to hold their town meetings in separate or joint districts they may again, upon the written application of twenty-five electors, at an annual town meeting, determine by ballot to return to the former system of holding but one poll at their town meetings, and thereupon their town meetings shall be held at but one polling place

Poll-clerks.

Powers of inspectors.

Canvass of votes.

Recanvass by justices and town clerks.

Return to former system.

in said town, but such changes shall not be made oftener than once in five years." (*Thus amended by Laws 1893, chap. 456.*)

**Transaction of business in separate election districts  
not requiring a ballot.**

§ 41. "Any proposition to be submitted to and voted upon by the electors of a town at any town meeting, which is not required to be voted upon by ballot, may be submitted to the electors of the town voting in separate or joint election districts of the town meeting, but the vote upon any such proposition shall be taken by a division of the electors present and voting thereon; and the inspectors shall count the number of electors so voting in favor of such proposition, and the number so voting against the same, and shall enter in the statement of the result of the town meeting held in such district a statement of the proposition so voted upon, and the number of votes so cast in favor of and against the same, and certify with the statement that they are required to certify and return to the justices of the peace and town clerk of the town. No such proposition shall be so voted upon unless notice that such vote will be taken has been published by the town clerk, at least one week before the town meeting, in a newspaper published in the town, if any such is published therein, and such notice shall also be posted for the same length of time at the place where the poll of the town meeting is to be held, in each separate or joint election district, and shall be publicly read by the inspectors to the voters present before any such vote is taken. Any elector of the town may, by a written application filed with the town clerk at least ten days before the town meeting is to be held, require such notice to be given by the town clerk. Every such proposition shall be submitted to a vote, commencing at the hour of twelve, noon, and continuing until all such propositions have been voted upon, and every such proposition shall be submitted to the vote of the electors of the town at the poll of every separate or joint election district in the town." (*Thus amended by Laws 1893, chap. 456.*)

Submission  
of propo-  
sitions.

Notices of  
propo-  
sition.

Time of  
submission  
of propo-  
sitions.

**The use of Myer's automatic ballot cabinet at town meetings**

Purchase  
and use of  
cabinets.

Ballots.

Regula-  
tions for  
use.

Canvass of  
votes.

§42. "Any town may, by a majority vote of the town board, at a meeting thereof, held not less than ten days before the time the annual town meeting thereof is to be held, determine upon, purchase and order the use of one or more of Myer's automatic ballot cabinets at elections of town officers in such town. Until otherwise determined by such town board, such ballot cabinets shall be used for the purpose of voting for the officers to be elected at such election, and for registering and counting the ballots cast thereat. The ballot by which the elector votes in such Myer's automatic ballot cabinet shall be secret, and shall be a cardboard or a paper ticket, which shall contain written or printed, or partly written or printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be voted for, and shall not contain any other printed or written device or distinguishing mark, except a heading or caption of its political or party designation, of not exceeding five words, and may be of different colors and contain index hands pointing towards the knobs by which the elector counts and registers his ballot. The town board may make regulations for the use of such ballot cabinets, but such regulations shall require all actions and proceedings of the election officers to be in public and in the presence of watchers who may be appointed by the different political parties or candidates thereof, and shall not be inconsistent with law further than may be necessary by reason of the use of such ballot cabinets for the purpose of holding elections, counting and canvassing the ballots thereof. At the close of the polls at such election at which such ballot cabinet shall be used, the canvassers shall proceed to ascertain publicly the total number of ballots cast for each candidate for each office, as registered and declared by such ballot cabinet register, and such ascertainment of the result shall be deemed to be the canvassing of the votes cast at such election." (*Added by Laws 1893, chap. 82.*)

## Town Business in Counties of more than Six Hundred Thousand Inhabitants.

(Article X of Town Law as amended by Chap. 387, Laws 1898.)

### Town officers.

§ 220. "The town officers of each town in counties contain-<sup>Town officers.</sup> ing six hundred thousand or more inhabitants, as determined by the last preceding federal or state enumeration of the inhabitants taken prior to any election of town officers, shall be one supervisor, one town clerk, four justices of the peace, three assessors, one or three commissioners of highways, three commissioners of excise, three town auditors, one collector and five constables, also three inspectors of election for each election district, and such other officers as are or may be provided by or in pursuance of law."

### Election of officers.

§ 221. "The said town officers shall be elected by ballot by<sup>Election thereof.</sup> the electors of each town at the annual town meeting held next preceding the general election at which they would have been elected under the present existing laws, with the exception of the collector, who shall be elected at the annual town meeting next following such general election."

### Term of office.

§ 222. "The supervisor shall hold office for the term of two<sup>Term of office.</sup> years; the town clerk, assessors, commissioners of highways, commissioners of excise and town auditors, each for the term of three years; the justices of the peace, four years; constables, five years; inspectors of election, one year, all from the first day of January, and the collector three years from the first day of May, next succeeding their elections, respectively. When three or more incumbents

are required for any one of said offices, the term of which is three or more years, one candidate shall be elected for the regular or full term in each year."

#### **Town meetings.**

**Town  
Meetings.**

§ 223. "The annual and special town meetings in each of said towns shall be held in the several election districts thereof, under the direction of the inspectors of election, as the presiding officers, beginning at the hour appointed for the opening of the polls at the next preceding general election. The town clerk shall provide the requisite number of printed official ballots, which shall be the same for each district, and the elections at such meetings shall be conducted, with the aid of ballot clerks and poll clerks, in the same manner as the general elections, so far as practicable. Upon the completion of the canvass, the certified result, together with the books, papers and records, shall forthwith be filed by the inspectors with the town clerk."

#### **Ballots at town meetings.**

**Ballots.**

§ 224. "The names of all the town officers to be voted for by any elector at such town meeting shall be placed upon one ballot, which shall be indorsed with the word 'town;' such ballot to contain the names of not more than two candidates for inspectors of election for each of the election districts in the town, designating in connection with such names the districts for which the said several candidates are to be chosen, and if said designation is omitted, or more than two names for inspectors shall appear, the vote for such inspector shall not be counted."

#### **Full term and vacancies.**

**Vacancies.**

§ 225. "When more than one justice of the peace, assessor, commissioner of excise, commissioner of highways, town auditor or constable are to be chosen in any of said towns, each elector shall designate upon his ballot the person intended for the full term and for a vacancy, and if there are two or more vacancies they shall be designated as the longer and the shorter, or the longer, shorter and shortest vacancy, as

the case may be, and each person having the greatest number of votes with reference to each designation shall be deemed duly elected for the term or vacancy designated."

**Designations ; full term or vacancy.**

§ 226. "A ballot containing the name of one candidate only, <sup>Designations; full term or vacancy.</sup> without designation, shall be counted as for the full term. A ballot voted with the names of two or more candidates for such office, but without such designation, one of said candidates being at the time an incumbent of the office for a term not then expired, shall be counted as a vote for said candidate for the regular term ; and if there be but one vacancy to be filled, and the name of only one other candidate on such ballot, without such designation, the same shall be counted for such other candidate for such vacancy. In all other cases a ballot containing the names of two or more candidates for any one of said offices, without designating the term, shall not be counted.

**Town meeting, business of.**

§ 227. "The town business which requires a vote of the <sup>Business of meeting.</sup> people otherwise than by ballot shall be commenced at twelve o'clock noon of the day of the annual town meeting, and completed without adjournment. All questions upon motion made at town meetings not required by law to be by ballot, shall be determined by the majority of the electors of the town voting, and the inspectors of each district shall ascertain the result by counting, in such manner as they may deem most expedient and practicable, and certify the same, to the board of town assessors at the time of making their return of the votes cast for town officers."

**Fiscal year ; meeting of town boards.**

§ 228. "The fiscal year in such towns shall begin on the <sup>Fiscal year.</sup> first day of January and terminate on the thirty-first day of December. The board of town auditors shall meet <sup>Meetings of board.</sup> annually for the purpose of auditing the accounts of town officers at the office of the town clerk on the thirtieth day of December, at two o'clock in the afternoon, except when

the same shall occur on Sunday, in which case such meeting shall be held on the twenty-ninth; and all town officers or boards of town officers who receive or disburse any moneys belonging to the town shall account for the same, under oath, to said board, annually, at such meeting."

**Canvass ; inspectors.**

**Canvass of votes.**

§ 229. "It shall be the duty of the justices of the peace to attend at the office of the town clerk on the second day after each town meeting, at ten o'clock in the forenoon, as a board of town canvassers, and canvass the votes of the several election districts, and the town clerk shall act as clerk in such canvass, and shall enter in his record a statement of the same, and of the number of votes for each candidate in the several districts, and of the officers elected, which record shall be signed by him and by the justice or justices

**Inspectors of election.**

acting as such canvassers. From the two persons who shall have the highest number of votes next to the two inspectors elected for each election district, the said justice or justices shall thereupon select the third inspector for such district, which shall also be entered in such record."

**Canvass in case no justice present.**

**Canvass in absence of justices.**

§ 230. "The justice or justices of the peace present at the time and place so appointed shall proceed with the canvass, and if none shall be present, the town clerk shall appoint some suitable person, who shall be sworn by him faithfully to perform such duty; and if the town clerk be absent, the justice or justices present shall appoint a suitable person in his place, who shall be sworn in like manner, and the persons so appointed shall possess all the powers and be subject to all the duties and responsibilities of the officers in whose place they are appointed. If any of the returns shall not have been received, or shall be required to be returned to the inspectors for correction, an adjournment may be taken for the purpose of procuring the proper returns."

**Registry at town meeting.**

**Registry.**

231. "The registry of the last preceding general election shall be the registry for such town meeting, and the board of registry in each district shall meet on one day, from nine

o'clock in the forenoon until nine o'clock in the evening, not less than three nor more than fifteen days preceding each annual or special town meeting, of which meeting they shall give ten days' notice, by posting in ten or more public places in the district, for the purpose of completing the same, and at said meetings they shall place upon the registry the names of the voters of such district whose names do not appear thereon."

#### Resignations.

§ 232. "The supervisor and justices of the peace of each town or a majority of them may accept the resignation of any town officer, and make appointments to fill vacancies that may be occasioned thereby, or by death, removal from town, refusal to serve, failure to qualify or otherwise, and shall file the certificates thereof in the office of the town clerk."

#### Vacancies.

§ 233. "The persons who may be appointed to fill vacancies in town offices shall serve until the second day following the next annual town meeting, or until their successors shall be duly elected and qualified; but no person appointed as justice of the peace to fill the vacancy of an officer whose term will expire on the thirty-first day of December next thereafter shall hold office by virtue of such appointment after such last mentioned day. Persons who may be elected to fill vacancies in town offices shall serve during the remainder of the unexpired term."

#### Official oath and undertaking.

§ 234. "Each of said town officers, except justices of the peace and inspectors of election, shall, before the commencement of the term for which they were elected or appointed, or if appointed to fill vacancies, within ten days after their appointment, severally take the constitutional oath of office, and file the same in the office of the town clerk, and also, within the same time, file therein the undertakings, if any, which are required to be given by them for the faithful discharge of their duties. The undertaking of collectors



shall be given in the manner and within the time required in other towns of this state. If the collector or any other of such officers shall fail, neglect, refuse or omit to comply with the provisions of this section, a vacancy shall thereupon be created, which shall be filled by appointment in the manner prescribed by this article; but none of the provisions of this section shall be deemed to extend to the bonds or undertakings of supervisor for school moneys, or other special purposes, which bonds or undertakings may be given by him after entering upon the duties of his office, in the manner now provided by law."

#### **Taxes and assessments.**

**Taxes and assessments.**

§ 235. "The town board of each of said towns, consisting of the supervisor, town clerk and justice of the peace, shall have power to hire, occupy and use suitable office room within the county for the transaction of business in connection with the levying and collection of the taxes and assessments of such town, and to adopt measures for the preparation and purchase, from time to time and the care and preservation of the necessary books, maps, assessment-rolls and other papers connected therewith, and to prescribe and regulate the powers and duties of the assessors of such town so far as may not be inconsistent with existing laws, and to employ such persons as may be required to assist in securing correct and equitable valuations and assessments of property and for the effectual collection of the taxes therein. The compensation to be paid to the assessors for their services shall be fixed by the board of supervisors at rates not less than those now paid, and the expenses incurred under this section shall be a town charge, and raised and paid as other town expenses."

#### **Excise moneys.**

**Excise moneys.**

§ 236. "All excise money shall be applied to and expended for such town purposes as the said town board may direct, except such portion thereof, if any, as shall be required to be paid to any public institution by special or local laws."

## Qualification of Town Officers.

(Article III. Town Laws. Chapter 569, Laws 1890.)

### Eligibility to town offices.

§ 50. "Every elector of the town shall be eligible to any <sup>eligibility to office.</sup> town office, except inspectors of election shall also be able to read or write. But no county treasurer, superintendent of the poor, school commissioner, trustee of a school district, or United States loan commissioner shall be eligible to the office of supervisor of any town or ward in this state."

### Oath of office.

§ 51. "Every person elected or appointed to any town office, <sup>Oath of office.</sup> except justice of the peace, shall before he enters on the duties of his office, and within ten days after he shall be notified of his election or appointment, take and subscribe before some officer authorized by law to administer oaths in his county, the constitutional oath of office, and such other oath as may be required by law, which shall be administered and certified by the officer taking the same without reward, and shall within eight days be filed in the office of the town clerk, which shall be deemed an acceptance of the office; and a neglect or omission to take and file such oath, or a neglect to execute and file, within the time required by law, any official bond or undertaking, shall be deemed a refusal to serve, and the office may be filled as in case of vacancy."

### Collector's undertaking.

§ 52. "Every person elected or appointed to the office of collector, before he enters upon the duties of his office, and <sup>Collector's under-taking.</sup> within eight days after he receives notice of the amount of taxes to be collected by him, shall execute an undertaking

with two or more sureties, to be approved by the supervisor, to the effect that he will well and faithfully execute his duties as collector, pay over all moneys received by him, and account in the manner and within the time provided by law for all taxes upon the assessment-roll of his town delivered to him for the ensuing year, and shall deliver such undertaking to the supervisor of the town."

**Filing and lien of collector's undertaking.**

**Filing  
and lien  
thereof.**

§ 53. "The supervisor shall, within six days thereafter, file the undertaking, with his approval indorsed thereon, in the office of the county clerk, who shall make an entry thereof, in a book provided for the purpose, in the same manner as judgments are entered of record; and every such undertaking shall be a lien on all the real estate held jointly or severally by the collector or his sureties within the county, at the time of the filing thereof, and shall continue to be such lien, until its condition, together with all costs and charges which may accrue by the prosecution thereof, shall be fully satisfied."

**Constable's undertakings.**

**Constable's  
under-  
taking.**

§ 54. "Every person elected or appointed to the office of constable shall, before he enters on the duties of his office, and within ten days after he shall be notified of his election or appointment, execute in the presence of the supervisor or town clerk of the town, with at least two sufficient sureties, to be approved by such supervisor or town clerk, an undertaking to the effect that such constable and his sureties will pay to each and every person, who may be entitled thereto, all such sums of money as the constable may become liable to pay on account of any execution which shall be delivered to him for collection; and also pay each and every person for any damages which he may sustain from or by any act or thing done by such constable by virtue of his office. The supervisor or town clerk shall indorse on the undertaking his approval of the sureties therein named, and shall cause the same to be filed in the office of the town clerk within ten days thereafter."

**Refusal to serve as overseer of highways or poundmaster.**

§ 55. "If any person chosen or appointed to the office of overseer of highways or poundmaster shall refuse to serve, <sup>Refusal to serve.</sup> he shall forfeit to the town the sum of ten dollars."

**Town officers to administer oaths.**

§ 56. "Any town officer may administer any necessary oath in any matter or proceeding lawfully before him, or <sup>Administering oaths.</sup> to any paper to be filed with him as such officer."

**Certificate of election of justices.**

§ 57. "The clerk of every town meeting, at which an election for justice of the peace shall have been had, shall, within ten days thereafter, transmit to the clerk of his county a certificate of the result of such election under his hand, which shall be presumptive evidence of the facts therein certified." <sup>Certificate of election of justice.</sup>

**Justice's undertakings.**

§ 58. "Every justice of the peace elected or appointed in any of the towns or cities of this state, except the city of New York, and any city whose charter requires such officer to give a bond or undertaking, shall, before he enters upon the duties of his office, execute an undertaking with two sureties to be approved by the supervisor of the town, or the town clerk thereof where the justice of the peace is also supervisor of the town, or the common council of the city in which the justice shall reside, to the effect that he will pay over on demand, to the officer, person or persons entitled to the same, all moneys received by him by virtue of his office, and file the undertaking in the office of the clerk of the city or town in which he resides. Every justice shall also, on or before the fifteenth day of January next succeeding his election, file with the county clerk a certificate of the clerk of the city or town in which he resides, that he has filed such undertaking, and thereupon take before the county clerk his oath of office; but, if elected or appointed to fill a vacancy, at the time existing or in any new town, he shall file such undertaking and cer- <sup>Justice's undertaking.</sup>

with two or more sureties, to be approved by the supervisor, to the effect that he will well and faithfully execute his duties as collector, pay over all moneys received by him, and account in the manner and within the time provided by law for all taxes upon the assessment-roll of his town delivered to him for the ensuing year, and shall deliver such undertaking to the supervisor of the town."

**Filing and lien of collector's undertaking.**

**Filing  
and lien  
thereof.**

§ 53. "The supervisor shall, within six days thereafter, file the undertaking, with his approval indorsed thereon, in the office of the county clerk, who shall make an entry thereof, in a book provided for the purpose, in the same manner as judgments are entered of record; and every such undertaking shall be a lien on all the real estate held jointly or severally by the collector or his sureties within the county, at the time of the filing thereof, and shall continue to be such lien, until its condition, together with all costs and charges which may accrue by the prosecution thereof, shall be fully satisfied."

**Constable's undertakings.**

**Constable's  
under-  
taking.**

§ 54. "Every person elected or appointed to the office of constable shall, before he enters on the duties of his office, and within ten days after he shall be notified of his election or appointment, execute in the presence of the supervisor or town clerk of the town, with at least two sufficient sureties, to be approved by such supervisor or town clerk, an undertaking to the effect that such constable and his sureties will pay to each and every person, who may be entitled thereto, all such sums of money as the constable may become liable to pay on account of any execution which shall be delivered to him for collection; and also pay each and every person for any damages which he may sustain from or by any act or thing done by such constable by virtue of his office. The supervisor or town clerk shall indorse on the undertaking his approval of the sureties therein named, and shall cause the same to be filed in the office of the town clerk within ten days thereafter."

**Refusal to serve as overseer of highways or poundmaster.**

§ 55. "If any person chosen or appointed to the office of overseer of highways or poundmaster shall refuse to serve, <sup>Refusal to serve.</sup> he shall forfeit to the town the sum of ten dollars."

**Town officers to administer oaths.**

§ 56. "Any town officer may administer any necessary oath in any matter or proceeding lawfully before him, or <sup>Administering oaths.</sup> to any paper to be filed with him as such officer."

**Certificate of election of justices.**

§ 57. "The clerk of every town meeting, at which an election for justice of the peace shall have been had, shall, within ten days thereafter, transmit to the clerk of his county a certificate of the result of such election under his hand, which shall be presumptive evidence of the facts therein certified." <sup>Certificate of election of justice.</sup>

**Justice's undertakings.**

§ 58. "Every justice of the peace elected or appointed in any of the towns or cities of this state, except the city of New York, and any city whose charter requires such officer to give a bond or undertaking, shall, before he enters upon the duties of his office, execute an undertaking with two sureties to be approved by the supervisor of the town, or the town clerk thereof where the justice of the peace is also supervisor of the town, or the common council of the city in which the justice shall reside, to the effect that he will pay over on demand, to the officer, person or persons entitled to the same, all moneys received by him by virtue of his office, and file the undertaking in the office of the clerk of the city or town in which he resides. Every justice shall also, on or before the fifteenth day of January next succeeding his election, file with the county clerk a certificate of the clerk of the city or town in which he resides, that he has filed such undertaking, and thereupon take before the county clerk his oath of office; but, if elected or appointed to fill a vacancy, at the time existing or in any new town, he shall file such undertaking and cer-

tificate and take the oath of office, and enter upon the duties thereof, within fifteen days after notice of his election or appointment. No justice of the peace shall take his oath of office until he shall have filed such certificate with the county clerk.

#### **Supervisor's undertaking.**

**Supervisor's undertaking.**

§ 60. "Every supervisor hereafter elected or appointed shall, within thirty days after entering upon his office, make and deliver to the town clerk of the town his undertaking, with such sureties as the town board shall prescribe, to the effect that he will well and faithfully discharge his official duties as such supervisor, and that he will well and truly keep, pay over and account for all moneys and property, including, the local school fund, if any, belonging to his town and coming into his hands as such supervisor; and such undertaking shall after its execution, be presented to the town board for their approval as to its form, and the sufficiency of the sureties therein, and until the same shall be so approved, none of the moneys, books, documents, papers or property of the town shall be turned over or delivered to such supervisor elect."

#### **Undertaking of commissioner of excise.**

**Undertaking of commissioner of excise.**

§ 61. "Each commissioner of excise shall, before he enters upon the duties of his office, execute an undertaking to be approved by the supervisor of his town, to the effect that he will pay over to the supervisor of his town, within thirty days after the receipt thereof, all moneys received by him as such commissioner of excise, which undertaking shall be delivered to the supervisor, and by him filed in the office of the town clerk within ten days thereafter."

#### **Undertaking of overseer of the poor.**

**Undertaking of overseer of poor.**

§ 62. "Every person elected or appointed overseer of the poor in any town shall, within ten days after being notified of his election or appointment, execute an undertaking with one or more sureties, to be approved by the supervisor of his town, to the effect that he will faithfully discharge the duties of his office, and will pay according to law all

moneys which shall come into his hands as such overseer, which undertaking shall be delivered to the supervisor and filed by him in the office of the town clerk within ten days thereafter."

**Undertaking of commissioner of highways.**

§ 63. "Every commissioner of highways shall, within ten days after notice of his election or appointment, execute an undertaking with two or more sureties, to be approved by the supervisor of his town, to the effect that he will faithfully discharge his duties as such commissioner, and within ten days after the expiration of his term of office, pay over to his successor all moneys remaining in his hands as such commissioner, and render to such successor a true account of all moneys received and paid out by him as such commissioner, which undertaking shall be delivered to the supervisor, and filed by him in the office of the town clerk within ten days thereafter."

**Resignation of town officers.**

§ 64. "Any three justices of the peace of a town may, for sufficient cause shown to them accept the resignation of any town officer of their town; and whenever they shall accept any such resignation, they shall forthwith give notice thereof to the town clerk of the town."

**Filling of vacancies.**

§ 65. When a vacancy shall occur or exist in any town office, the town board or a majority of them may, by an instrument under their hands and seals, appoint a suitable person to fill the vacancy, and the person appointed, except justices of the peace, shall hold the office until the next annual town meeting. A person so appointed to the office of justice of the peace shall hold the office until the next annual town meeting, unless the appointment shall be made to fill the vacancy of an officer whose term will expire on the thirty-first day of December next thereafter, in which case the term of office of the person so appointed shall expire on the thirty-first day of December



next succeeding his appointment. The board making the appointment shall cause the same to be forthwith filed in the office of the town clerk, who shall forthwith give notice to the person appointed. A copy of the appointment of a justice of the peace shall also be filed in the office of the county clerk, before the person appointed shall be authorized to act.

**Form of undertaking, and liability thereon.**

**Form.** § 66. "Every undertaking of a town officer, as provided by this chapter or otherwise, must be executed by such officer and his sureties and acknowledged or proven and certified in like manner as deeds to be recorded, and the approval

**Liability.** indorsed thereon. The parties executing such undertaking shall be jointly and severally liable, regardless of its form in that respect, for the damages to any person or party by reason of a breach of its terms."

**County clerk to report omissions of town officers.**

**Report of omissions.** § 67. "The clerk of each county shall make a report to the district attorney of the county, of all omissions by any town officer to make and transmit any returns or certificates, which by law they are required to make to such clerk, and the district attorney shall enforce the penalty, by law imposed upon the delinquent officer."

## Provisions Relating to State and County Elective Officers.

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### Qualifications for holding office.

“No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, be of full age, a citizen of the United States, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised.” (§ 3 *Public Officers' Law, chap. 681, Laws 1892.*)

### Governor and lieutenant-governor, who eligible as.

“No person shall be eligible to the office of governor or lieutenant-governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this state.” (§ 2, art. 4, *State Constitution, as amended in 1874.*)

### Judges not to hold other offices.

“The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the legislature or the people, shall be void.” (§ 10, art. 6, *State Constitution.*)

### Members of legislature, who eligible.

“No person shall be eligible to the legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of congress, a civil or military officer under the United States, or an officer under

any city government; and if any person shall, after his election as a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat." (§ 8, art. 3, *State Constitution, as amended in 1874.*)

#### Representatives in congress, qualifications of.

Qualifications of representatives in congress.

No person shall be a representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. (§ 2, art. 1, *U. S. Constitution.*)

"No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability. (§ 3, art. 14, *U. S. Constitution.*)

#### Governor and lieutenant-governor, election of.\*

Election of Governor and Lieutenant-Governor.

"The governor and lieutenant-governor shall be elected at the times and places of choosing members of assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature, at its next annual session, shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor or lieutenant-governor." (§ 3, art. 4, *State Constitution.*)

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\* Terms of office 3 years. See § 1, art. 4, *Constitution.*

**Secretary of state, comptroller, treasurer and attorney-general, election of.**

"The secretary of state, comptroller, treasurer, and attorney general shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named except the speaker of the assembly shall, at stated times during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation." (§ 1, *art. 5, State Constitution.*)

**State engineer and surveyor, election and qualifications of.**

"A state engineer and surveyor shall be chosen at a general election, and shall hold his office for two years, but no person shall be elected to said office who is not a practical engineer." (§ 2, *art. 5, State Constitution.*)

**Judge of court of appeals, election and term of office of.**

"There shall be a court of appeals composed of a chief judge and six associate judges, who shall be chosen by the electors of the state, and shall hold their office for the term of fourteen years from and including the first day of January next after their election. At the first election of judge under this constitution, every elector may vote for the chief and only four of the associate judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary." (§ 2, *art. 6, State Constitution.*)

**Justices of supreme court, election and term of office of.**

"Justices of the supreme courts shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be

— chosen by the electors of the cities, respectively, in which the said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age." (§ 13, *art. 6, State Constitution.*)

**Judges to make and file certificate of age, and when their term of office expires.**

Certificates  
of age.

"A judge of a court of record must, within ten days after he enters on the duties of his office, make and sign a certificate, stating his age, and the time when his official term will expire, either by completion of a full term or by reason of the disability of age, prescribed in the constitution. *See* § 34, *ante*. The certificate must be filed in the office of the secretary of state, who must keep a record of the time of the commencement and termination of the official term of each judge of a court of record." (§ 54, *Code of Civil Procedure.*)

**Members of legislature, time of electing.**

Election.

The elections of senators and members of assembly, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November unless otherwise directed by the legislature." (§ 9, *art. 3, State Constitution.*)

**Senate.**

Thirty-two  
members.

"The senate shall consist of thirty-two members, and the senators shall be chosen for *two* years." (*Part of* § 2, *art. 3, State Constitution.*)

**Assembly, how composed.**

One hundred and  
twenty-eight mem-  
bers.

"The assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of assembly shall be apportioned among the several counties of the State, by the legislature, as nearly as may be,

according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts.”  
(Part of § 5, art. 3, State Constitution.)

**Representatives in congress, how to be elected; vacancies.**

“The house of representatives shall be composed of <sup>How</sup> members chosen every second year by the people of the <sup>elected.</sup> several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. (Subd. 1, § 2, art. 1 U. S. Constitution.) When vacancies happen in the representa- <sup>Vacancies.</sup> tion from any state, the executive authority thereof shall issue writs of election to fill such vacancies.” (Subd. 4, § 2, same art.)

**Representatives in congress, when and how chosen.**

“Representatives in the house of representatives of the <sup>Election.</sup> congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any such representative shall resign he shall forthwith trans- <sup>Resigna-</sup> mit a notice of his resignation to the secretary of state, <sup>tions.</sup> and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state.” (§ 160 *Election Law*, 1892.)

**Election, appointment and term of office of county judge, surrogate, special county judge and special surrogate, and designation of justices of sessions.**

“There shall continue to be elected in each of the <sup>Election- and term.</sup> counties now having such officers:

1. A county judge and a surrogate, who shall severally hold the office for six years from and including the first day of January succeeding his election.

2. A special county judge and a special surrogate, pursuant to the several acts of the legislature creating and respectively defining the terms and duties thereof.

**Appoint-  
ments.**

3. There shall continue to be appointed by the governor, by and with the consent of the senate, if in session, a county judge, surrogate, special county judge or special surrogate, when a vacancy shall occur in either of such offices, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter at which such vacancy can be lawfully filled.

**Justices of  
sessions.**

4. There shall continue to be designated two justices of the peace of the county, having at least one year to serve from the first day of January succeeding their designation, to be justices of sessions for the county during the calendar year commencing on the first day of January succeeding their designation. Each elector may place upon his ballot at each general election under the words 'for sessions,' the name of one such justice of the peace and the two justices of the peace representing the two principal political parties into which the electors of the county are divided receiving the greatest number of votes shall be designated as such justices of the sessions for such term." (§ 220 *County Law*, chap. 686, *Laws* 1892.)

**Election, appointment and term of office of sheriffs and coroners, and the undertakings of sheriffs.**

"There shall continue,

**Election  
and term.**

1. To be elected in each of the counties a sheriff and four coroners, who shall, respectively, hold their office for three years, from and including the first day of January succeeding their election;

**Appoint-  
ments.**

2. To be appointed by the governor, a sheriff, or a coroner, when a vacancy shall occur in either of such offices, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter, at which such vacancy can be lawfully filled.

Every person elected or appointed to the office of sheriff shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the county clerk of his county, a joint and several undertaking to the county, approved by such clerk, to the effect that such sheriff will, in all things, perform and execute the office of sheriff of his county during his continuance therein, without fraud or deceit. Such undertaking shall be filed in the office of the county clerk; and the clerk shall, at the time of his approval thereof, examine each surety thereto under oath; and he shall not approve of such undertaking, unless it shall appear on such examination that such sureties are jointly worth at least fifteen thousand dollars over and above all debts whatever; which examination, subscribed by the sureties, shall be indorsed on or attached to the undertaking; but the clerk shall determine the sufficiency of each surety. In the same manner the security shall be renewed within the twenty days after the first Monday of January in each year subsequent to that in which he shall have entered upon the duties of his office." (§ 180, *County Law*, chap. 686, *Laws 1892.*)

**Election, appointment, term of office and undertaking of county clerk.**

"There shall continue,

1. To be elected in each of the counties a county clerk, who shall hold his office for three years from and including the first day of January succeeding his election:

2. To be appointed by the governor, a county clerk, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election after the happening of the vacancy.

Every person elected or appointed to the office of county clerk, shall, before he enters on the duties of his office, and if appointed, within fifteen days after notice thereof, execute an undertaking to the county, with at least two sureties, with the approval of the board of supervisors, if



in session, indorsed thereon by the clerk of the board, otherwise with the approval of the county judge, or a justice of the supreme court residing in the county, to the effect that he will faithfully execute and discharge the duties of county clerk, and account for all moneys deposited with him pursuant to law, or the order of any court, or by his predecessor in office, and pay them over as required by law, or directed by such order. (§ 160, *County Law*, chap. 686, *Laws* 1893.)

**Election, appointment, term of office, and undertaking of county treasurer.**

“There shall continue,

**Election  
and terms.**

1. To be elected in each of the counties, a county treasurer, who shall hold his office for three years from and including, in the county of Kings, the first Tuesday of August, in the county of Monroe, the first Tuesday of October, and in the other counties the first day of January, succeeding his election, and until his successor is duly elected and qualified;

**Appoint-  
ments.**

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county treasurer, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including, in the county of Kings, the first Monday of August, in the county of Monroe, the first Monday of October, and in the other counties the last day of December, succeeding his appointment, and until his successor shall be elected and qualified.

**Undertak-  
ing.**

Every person elected or appointed to the office of county treasurer shall, before he enters upon the duties of his office, and if appointed within fifteen days after notice thereof, give an undertaking to the county with three or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk, otherwise with the approval of the county judge and county clerk, and in such sum as such board or judge and clerk approving the same shall direct, to the effect that such person shall faithfully execute the duties of his office, and shall pay over according to law, and account for all

moneys, property and securities, which shall come to his hands as treasurer and render a just and true account thereof to the board of supervisors, when required; and obey all orders and directions with a competent court relating thereto. When, in the opinion of the board of supervisors, the moneys intrusted to such person as treasurer shall be unsafe, or the surety insufficient, such board may require from such treasurer a new or further undertaking, to the same effect as at first, and with like sureties; and if such county treasurer shall fail to renew such undertaking as required within twenty days after he shall be notified by such board of such request, such omission shall work a forfeiture of his office, and the same shall become vacant. Such undertaking, with the approval indorsed thereon shall be filed in the office of the county clerk. The sureties, and county therein named, shall be liable to the state for the payment to the state treasurer, according to law, of all moneys belonging to the state, which shall come into his hands as county treasurer; and for the rendering of a just and true account thereof to the state comptroller." (§ 140 *County Law*, chap. 686, *Laws* 1892.)

**Election, appointment, term of office and undertaking of district attorney.**

"There shall continue,

1. To be elected in each of the counties a district attorney, who shall hold his office for three years from and including the first day of January succeeding his election; Election and term.

2. To be appointed by the governor, a district attorney, Appointment. when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter at which such vacancy can be lawfully filled.

3. Except in the county of Kings, every person elected or appointed to the office of district attorney, shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver, to the county clerk of his county, a joint and several undertaking to the county, approved by the county judge, with two or Undertaking.

more sufficient sureties, being resident freeholders, to the effect, that he will faithfully account for and pay over according to law, or as the court may direct, all moneys that may come into his hands as such district attorney.”  
 (§ 200 *County Law*, chap. 686, *Laws* 1892.)

**Election, appointment and term of office of superintendents of the poor. •**

**Election  
and ap-  
pointment.**

“There shall continue to be elected or appointed in each of the counties one or more superintendents of the poor as heretofore; but no supervisor of a town, or county treasurer, shall be elected or appointed to such office. The board of supervisors of any county having, or entitled to have three or more superintendents of the poor, may, at an annual meeting thereof determine by resolution that thereafter only one county superintendent of the poor shall be elected; but no superintendent of the poor shall be elected or appointed in such county until the general election next preceding the expiration of the terms of the superintendents in office, or the office shall be vacant. The term of any superintendent in office, or of any person duly elected thereto on the passage of such resolution, shall not be affected thereby. Such board may also, in counties having and entitled to have but one superintendent of the poor, in like manner determine that thereafter three superintendents of the poor be elected for such county. After the passage of a resolution, as herein provided, the powers herein conferred shall not be again exercised within a period of five years. Such resolution shall not take effect until the next calendar year succeeding its adoption.

There shall continue,

**Election  
and ap-  
pointment.**

1. To be elected annually in each of the counties so having and being entitled to three county superintendents, one county superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county superin-

tendent of the poor, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

3. To be elected a county superintendent of the poor in a county when a vacancy shall occur in such office, and the term of which shall not expire on the last day of the next succeeding December, and the person so elected shall hold the office for such unexpired term, which shall be designated upon the ballots of the electors, or until his successor shall be elected and qualifies;

4. To be elected in each of the counties so having, and entitled to have but one superintendent, a superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

5. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a superintendent of the poor, in a county having and being entitled to but one superintendent, when a vacancy shall occur in such office; and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

6. To be elected in the succeeding year after the board of supervisors of a county having but one superintendent of the poor shall have adopted a resolution to have three superintendents, if the term of the superintendent in office expires with such year, three superintendents of the poor for such county, for the terms of one, two and three years respectively, which terms shall be respectively designated upon the ballots of the electors voting for such officers. If the term of the superintendent in office will not expire with such succeeding year, there shall be elected two superintendents of the poor for such county, for such terms, to be so designated upon the ballots of the electors voting for such officers, as will make the terms of one of the three superintendents expire with each succeeding year, and one superintendent of the poor shall hereafter be annually

elected. Such persons so elected shall hold the office from and including the first day of January succeeding his election, and until and including the last day of December of the year in which his term shall so expire, and until his successor is duly elected and qualifies. When ballots are voted without designating the term, the first name on the ballot shall be deemed as intended for the full or longer term of the officer voted for; the second name for the next longer term, and the third name for the shorter term.” (§ 210 *County Law, chap. 686, Laws 1892.*)

#### Undertaking.

Superintendent of poor.

“Every person elected or appointed to the office of superintendent of the poor shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the clerk of the county, to be filed in his office, his undertaking to the county, with two or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk; otherwise by the county judge of his county, or a justice of the supreme court of his judicial district, to the effect that he will faithfully discharge the duties of his office as such superintendent of the poor, and pay according to law all moneys that shall come into his hands as such superintendent, and render a just and true account thereof to the board of supervisors of his county.” (§ 211 *County Law, chap. 686, Laws 1892.*)

#### Election, term of office, etc., of school commissioners.

Election.

“A school commissioner for each school commissioner district shall be elected by the electors thereof, at the general election in the year eighteen hundred and ninety-six, and tri-ennially thereafter. Any person of full age, a citizen

Eligibility.

of the United States, a resident of the state, and of the county in which a school commissioner district is situated, shall be eligible to the office of school commissioner. No person shall be deemed ineligible to such office by reason

Notice of election to superintendent.

of sex who has the other qualifications as herein provided. It shall be the duty of county clerks, and they are hereby required, as soon as they shall have official notice of the

election or appointment of a school commissioner, for any district in their county, to forward to the superintendent of public instruction a duplicate certificate of such election or appointment, attested by their signature and the seal of the county. (§ 3 *School Law, chap. 556, Laws 1894.*)

“The term of office of such commissioner shall commence <sup>Term of office.</sup> on the first day of January next after his election, and shall be for three years and until his or her successor qualifies. Every person elected to the office, or appointed to fill a vacancy, must take the oath of office prescribed by the constitution, before the county clerk or before any officer authorized to take, within this state, the acknowledgment of the execution of a deed of real property, and file it with the county clerk; and if he or she omit so to do, the office shall be deemed vacant. (§ 4 *School Law, chap. 556, Laws 1894.*)

**Commencement of term of office.**

“The term of office of an elective officer, unless elected to <sup>Commencement of term.</sup> fill a vacancy then existing, shall commence on the first day of January next after his election, if the commencement thereof be not otherwise fixed by law.” (§ 4 *Public Officers' Law 1892, chap. 681, L.*)

**Holding over after expiration of term.**

“Every officer except a judicial officer, a notary public, <sup>Holding over term.</sup> a commissioner of deeds and an officer whose term is fixed by the constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office, after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor. An officer so holding over for one or more entire terms, shall, for the purpose of choosing his successor, be regarded as having been newly chosen for such terms. An appointment for a term shortened by reason of a predecessor holding over, shall be for the residue of the term only.” (§ 5 *Public Officers' Law 1892, chap. 681, L.*)

**Terms of officers chosen to fill vacancies.**

**Terms of  
officers  
chosen.**

"If an appointment of a person to fill a vacancy in an appointive office be made by the officer, or by the officers, body or board of officers, authorized to make appointment to the office for the full term, the person so appointed to such vacancy shall hold office for the balance of the unexpired term. The term of office of an officer appointed to fill a vacancy in an elective office, shall be until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, if the office be made elective by the constitution, or at which the vacancy can be filled by election, if the office be otherwise made elective." (§ 27 *Public Officers' Law* 1892, chap. 681, L.)

**Official oath.**

**Official  
oaths.**

"Every officer shall take and file the oath of office required by law before he shall be entitled to enter upon the discharge of any of his official duties. An oath of office may be administered by any officer authorized to take, within the state, the acknowledgment of the execution of a deed of real property, or by an officer in whose office the oath is required to be filed, or may be administered to any member of a body of officers, by a presiding officer or clerk thereof, who shall have taken an oath of office. The oath of office of a notary public or commissioner of deeds shall be filed in the office of the clerk of the county in which he shall reside. The oath of office of every state officer shall be filed in the office of the secretary of state; of every officer of a municipal corporation, with the clerk thereof; and of every other officer, in the office of the clerk of the county in which he shall reside, if no place be otherwise provided by law for the filing thereof. (§ 10 *Public Officers' Law*, chap. 681 of 1892, as amended by chap. 318 of 1893.)

**Official undertakings.**

**Official  
undertak-  
ings.**

"Every official undertaking, when required by or in pursuance of law to be hereafter executed or filed by any officer, shall be to the effect that he will faithfully discharge the duties of his office and promptly account for and pay

over all moneys or property received by him as such officer, in accordance with law, or in default thereof, that the parties executing such undertaking will pay all damages, costs and expenses resulting from such default, not exceeding a sum, if any, specified in such undertaking. The undertaking of a state officer shall be approved by the comptroller both as to its form and as to the sufficiency of the sureties, and be filed in the comptroller's office. The undertaking of a municipal officer shall, if not otherwise provided by law, be approved as to its form and the sufficiency of the sureties by the chief executive officer or by the governing body of the municipality and be filed with the clerk thereof. The approval by such governing body may be by resolution, a certified copy of which shall be attached to the undertaking. The sum specified in an official undertaking shall be the sum for which such undertaking shall be required by or in pursuance of law to be given. If no sum, or a different sum from that required by or in pursuance of law, be specified in the undertaking, it shall be deemed to be an undertaking for the amount so required. If no sum be required by or in pursuance of law to be so specified, and a sum be specified in the undertaking, the sum so specified shall not limit the liabilities of the sureties therein. Every official undertaking shall be executed and duly acknowledged by at least two sureties, each of whom shall add thereto his affidavit that he is a freeholder or householder within the state, stating his occupation and residence and the street number of his residence and place of business if in a city, and a sum which he is worth over and above his just debts and liabilities and property exempt from execution. The aggregate of the sums so stated in such affidavits must be at least double the amount specified in the undertaking. The failure to execute and \* official undertaking in the form or by the number of sureties required by or in pursuance of law, or of a surety thereto to make an affidavit required by or in pursuance of law, or in the form so required, or the omission from such an

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\* So in the original.



undertaking of the approval required by or in pursuance of law, shall not affect the liability of the sureties therein.” (§ 11 *Pub. Officers’ Law, chap. 681, Laws 1892.*)

**Force and effect of official undertaking.**

Force and effect of undertaking.

“An officer of whom an official undertaking is required, shall not receive any money or property as such officer, or do any act affecting the disposition of any money or property which such officer is entitled to receive or have the custody of, before he shall have filed such undertaking; and any person having the custody or control of any such money or property shall not deliver the same to any officer of whom an undertaking is required until such undertaking shall have been given. If a public officer required to give an official undertaking, enters upon the discharge of any of his official duties before giving such undertaking, the sureties upon his undertaking subsequently given for or during his official term shall be liable for all his acts or defaults done or suffered and for all moneys and property received during such term prior to the execution of such undertaking, or if a new undertaking is given, from the time notice to give such new undertaking is served upon him. Every official undertaking shall be obligatory and in force so long as the officer shall continue to act as such and until his successor shall be appointed and duly qualified, and until the conditions of the undertaking shall have been fully performed. When an official undertaking is renewed pursuant to law the sureties upon the former undertaking shall not be liable for any official act done or moneys received after the due execution, approval and filing of the new undertaking.” (§ 12 *Pub. Officers’ Law, chap. 681, Laws 1892.*)

**Notice of neglect to file oath or undertaking.**

Notice of neglect to file oath, etc.

“The officer or body making the appointment or certificate of election of a public officer shall, if the officer be required to give an official undertaking to be filed in an office other than that in which the written appointment or certificate of election is to be filed, forthwith give written notice of such appointment or election to the officer in

whose office the undertaking is to be filed. If any officer shall neglect, within the time required by law, to take and file an official oath, or execute and file an official undertaking, the officer, with whom, or in whose office such oath or undertaking is required to be filed, shall forthwith give notice of such neglect, if of an appointive officer, to the authority appointing such officer; if of an elective officer, to the officer, board or body authorized to fill a vacancy in such office, if any, or if none and a vacancy in the office may be filled by a special election, to the officer, board or body authorized to call or give notice of a special election to fill such vacancy; except that the notice of failure of a justice of the peace to file his official oath, shall be given to the town clerk of the town for which the justice was elected." (§ 13 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

#### Resignation of officers.

"Public officers may resign their offices as follows :

1. The governor, lieutenant-governor, secretary of state, comptroller, attorney general, state engineer and surveyor, to the legislature; .
2. All officers appointed by the governor alone, or by him with the consent of the senate, to the governor;
3. Senators and members of assembly, to the presiding officers of their respective houses;
4. Sheriffs, coroners, county clerks, district attorneys and registers of counties, to the governor;
5. Every other county officer, to the county clerk;
6. Every town officer, to the town clerk;
7. The officer of any other municipal corporation, to the clerk of the corporation;
8. Every other appointive officer, where not otherwise provided by law, to the body, board or officer that appointed him, and every other elective officer, where not otherwise provided by law, to the secretary of state.

Every resignation shall be in writing addressed to the officer or body to whom it is made. If addressed to an officer, it shall take effect upon delivery to him at his place of business, or when it shall be filed in his office. To whom delivered and when take effect.

If addressed to the legislature or to the presiding officer of either house thereof, it shall be delivered to and filed with the secretary of state, and shall take effect when so delivered, and he shall forthwith communicate the fact of such resignation to the legislature or to such house, if in session, or if not, at its first meeting thereafter.

If addressed to any other body it shall be delivered to the presiding officer or clerk of such body, if there be one, and if not, to any member thereof, and shall take effect upon such delivery, and shall be filed with the clerk, or if there be no clerk, with the other records of such body. A delivery at the office or place of residence or business of the person to whom any such resignation may be delivered shall be a sufficient delivery thereof." (§ 21 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

#### Removal of officers by senate.

Removals  
by senate.

"The governor before making a recommendation to the senate for the removal of any officer may, in his discretion, take proofs for the purpose of determining whether such recommendation shall be made.

The secretary of state, comptroller, treasurer, attorney-general, or the state engineer and surveyor, may be removed by the senate, on the recommendation of the governor, for misconduct or malversation in office, if two-thirds of all the members elected to the senate shall concur therein. No such removal shall be made unless the person who is sought to be removed, shall have been served with a copy of the charges against him and have an opportunity of being heard. On the question of removal, the yeas and nays shall be entered on the journal. The governor may convene the senate in extra session for the investigation of such charges. The senate shall have power to make such rules as it may see fit for the practice before it. At the time appointed for the investigation, the senate shall proceed to hear and try the charges against such officer, and may take proofs in relation thereto.

The governor may direct the attorney-general or may appoint any suitable person to conduct the trial of such charges before the senate.

An officer appointed by the governor by and with the advice and consent of the senate, may be removed by the senate upon the recommendation of the governor.

If the senate shall reject a recommendation of removal the clerk of the senate shall, by a writing signed by him and by the president and clerk of the senate, communicate the fact of such rejection to the governor. If the senate shall concur in such a recommendation the removal shall take effect upon the passage of the resolution of concurrence, and duplicate copies of such resolution, certified by the clerk and president of the senate, shall be executed and delivered by the clerk to the secretary of state." (§ 22 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

#### Removals by governor.

"An officer appointed by the governor for a full term or to fill a vacancy, any county superintendent of the poor, any register of a county, or any notary public, may be removed by the governor within the term for which such officer shall have been chosen, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense." (§ 23 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

#### Evidence in proceedings for removal by governor.

"The governor may take the evidence in any proceeding for the removal by him of a public officer or may direct that the evidence be taken before a justice of the supreme court of the district, or the county judge of the county, in which the officer proceeded against shall reside, or before a commissioner appointed by the governor for that purpose by an appointment in writing, filed in the office of the secretary of state. The governor may direct such judge or commissioner to report to him the evidence taken in such proceeding, or the evidence and the findings by the judge or commissioner of the material facts deemed by such judge or commissioner to be established. The commissioner or judge directed to take such evidence may require witnesses to attend before him, and shall issue sub-

poenas for such witnesses as may be requested by the officer proceeded against.

The governor may direct the attorney-general, or the district attorney of the county in which the officer proceeded against shall reside to conduct the examination into the truth of the charges alleged as ground for such removal. If the examination shall be before a commissioner or judge, it shall be held at such place in the county in which the office proceeded against shall reside as the commissioner or judge shall appoint, and at least eight days after written notice of the time and place of such examination shall have been given to the officer proceeded against.

All sheriffs, coroners, constables and marshals to whom process shall be directed and delivered under this section shall execute the same without necessary \* delay.

#### Removal of officers by state officers.

Removals  
by state  
officers.

Every removal of an officer by one or more state officers, shall be in written duplicate orders, signed by the officer, or by all or a majority of the officers, making the removal, or if made by a body or board of state officers may be evidenced by duplicate certified copies of the resolution or order of removal, signed either by all or by a majority of the officers making the removal, or by the president and clerk of such body or board. Both such duplicate orders or certified copies shall be delivered to the secretary of state, who shall record in his office one of such duplicates, and shall, if the officer removed is a state officer, deliver the other to such officer by messenger, if required by the governor, and otherwise by mail or as the secretary of state shall deem advisable, and shall, if directed by the governor, cause a copy thereof to be published in the state papers. If the officer removed be a local officer, he shall send the other of such duplicates to the county clerk of the county in which the officer removed shall have resided at the time he was chosen to the office, and such clerk shall file the

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\* So in the original.

same in his office, and forthwith notify the officer removed of his removal. (§ 25 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

**Vacancies in elective offices.**

"The legislature shall provide for filling vacancies in <sup>Vacancies.</sup> office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy. (§ 5, art. 10, *State Constitution*.)

**Creation of vacancies.**

Every office shall be vacant upon the happening of either <sup>Creation thereof.</sup> of the following events before the expiration of the term thereof:

1. The death of the incumbent;
2. His resignation;
3. His removal from office;
4. His ceasing to be an inhabitant of the state, or if he be a local officer, of the political subdivision, or municipal corporation of which he is required to be a resident when chosen;
5. His conviction of a felony, or a crime involving a violation of his oath of office;
6. The judgment of a court, declaring void his election or appointment, or that his office is forfeited or vacant;
7. His refusal or neglect to file his official oath or undertaking, if one is required, before or within fifteen days after the commencement of the term of office for which he is chosen, if an elective office, or if an appointive office, within fifteen days after notice of his appointment, or within fifteen days after the commencement of such term; or to file a renewal undertaking within the time required by law, or if no time be so specified, within fifteen days after notice to him in pursuance of law, that such renewal undertaking is required. When a new office or an additional incumbent of an existing office, shall be created, such office shall, for

the purposes of an appointment or election, be vacant from the date of its creation, until it shall be filled by election or appointment. (§ 20 *Public Officers' Law*, chap. 681, L. 1892.)

#### Vacancies filled by legislature.

Vacancies  
filled by  
legislature.

When a vacancy occurs or exists, other than by removal, in the office of the secretary of state, comptroller, treasurer, attorney-general, or state engineer and surveyor, or a resignation of any such office to take effect at any future day shall have been made while the legislature is in session, the two houses thereof, by joint ballot, shall appoint a person to fill such actual or prospective vacancy. (§ 30 *Public Officers' Law*, chap. 681, L. 1892.)

#### Filling other vacancies.

Filling  
other  
vacancies.

If a vacancy shall occur, otherwise than by expiration of term, with no provision of law for filling the same, if the office be elective, the governor shall appoint a person to execute the duties thereof until the vacancy shall be filled by an election. But if the term of such officer shall expire with the calendar year in which the appointment shall be made, or if the office be appointive, the appointee shall hold for the residue of the term. (§ 31 *Public Officers' Law*, chap. 681, L. 1892.)

#### Vacancies in office of judges of court of appeals.

Vacancies  
in office of  
judge of  
court of  
appeals.

“When a vacancy shall occur, otherwise than by expiration of term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election, happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not, the governor alone, may appoint to fill such vacancy. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but, in such case the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The

powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled." (§ 3, art. 6, *State Constitution*.)

**Vacancy in office of justices of supreme court.**

"When a vacancy shall occur, otherwise than by expiration of term, in the office of justice of the supreme court, <sup>Justices of supreme court.</sup> the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until any vacancy shall be so filled the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session, the governor may appoint to fill such vacancy. Any such appointment shall continue until and including the last day of December next after the election at which the vacancy shall be filled." (§ 9, art. 6, *State Constitution*.)

**Notice of existence of vacancy.**

When a judgment shall be rendered by any court convicting an officer of a felony, or of a crime involving a violation of his oath of office, or declaring the election or appointment of any officer to be void, or that the office of any officer has been forfeited or become vacant, the clerk of such court shall give notice thereof to the governor, stating the cause of such conviction or judgment. <sup>Notice of vacancy.</sup>

Whenever a public officer shall die before the expiration of his term of office, or shall cease to be a resident of the political subdivision of the state or a municipal corporation in which he is required to be a resident as a condition of continuing in the office, the county clerk of the county in which such officer shall have resided immediately prior to such death or removal, shall immediately give notice of such death or removal to the governor. If the governor is not authorized to fill any vacancy of which he shall have notice, he shall forthwith give notice of the existence of



such vacancy to the officer or officers, or to the body or board of officers authorized to fill the vacancy, or if such vacancy may be filled by an election, to the officers authorized to give notice of such election. (§ 26 *Pub. Officers' Law*, 1892.)

**Filling vacancies in elective offices at general and special elections.**

**Filling vacancies at elections.**

A vacancy occurring before October fifteenth in any year, in an office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election, or unless a special election therefor shall have been ordered to be held on or after such fifteenth day of October and before such general election.

Upon the failure to elect to any office, except governor or lieutenant-governor, at a general or special election at which the office is authorized to be filled; or upon the death or disqualification of a person elected to office at a general or special election before the commencement of his official term; or upon the occurrence of a vacancy in any elective office, which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor shall make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation.

**Special elections.**

A special election shall not be held to fill a vacancy in the office of a representative in congress, unless such vacancy occur on or before the first day of July of the last year of the term of office, or unless occurring thereafter and a special session of congress be called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occur before the first day of April of the last year of the term of office; nor to fill a

vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occur in either such office of senator or member of assembly, after such first day of April, and a special session of the legislature be called to meet between such first day of April and the next general election, or be called after October fourteenth of such year.

If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. (§ 4 *Election Law*, 1892.)

# Political Divisions of State, Counties and Towns.

## ELECTION DISTRICTS.

NUMBER OF ELECTION DISTRICTS IN NEW YORK STATE AS  
REPORTED BY COUNTY CLERKS, JANUARY 1, 1894.

	DISTS.		DISTS.
Albany.....	127	Onondaga .....	141
Allegany .....	41	Ontario.....	45
Broome .....	70	Orange.....	89
Cattaraugus .....	62	Orleans.....	29
Cayuga .....	59	Oswego .....	70
Chautauqua .....	80	Otsego .....	56
Chemung .....	38	Putnam .....	15
Chenango .....	42	Queens .....	104
Clinton .....	37	Rensselaer .....	101
Columbia .....	45	Richmond .....	42
Cortland .....	29	Rockland .....	30
Delaware .....	52	St. Lawrence.....	91
Dutchess .....	69	Saratoga.....	61
Erie .....	200	Schenectady .....	29
Essex .....	35	Schoharie.....	33
Franklin .....	41	Schuyler.....	20
Fulton .....	43	Seneca .....	25
Genesee .....	31	Steuben .....	70
Greene.....	32	Suffolk .....	63
Hamilton .....	9	Sullivan .....	34
Herkimer .....	49	Tioga .....	37
Jefferson .....	77	Tompkins .....	39
Kings.....	677	Ulster.....	78
Lewis .....	37	Warren .....	31
Livingston .....	37	Washington .....	48
Madison .....	53	Wayne .....	45
Monroe.....	138	Westchester .....	114
Montgomery .....	44	Wyoming .....	34
New York.....	1,137	Yates .....	23
Niagara .....	54		
Oneida .....	115		
			<u>5,156</u>

**Creation, division and alteration of election districts.**

“Every town or ward of a city not subdivided into election districts, shall be an election district.

The town board of every town containing more than four hundred voters, and the common council of every city, except New York and Brooklyn, in which there shall be a ward containing more than four hundred voters, shall, at least thirty days before the election of inspectors of election, divide such town or ward respectively into election districts, each of which shall be compact in form, wholly within the town or ward, and shall contain not more than four hundred voters. If any part of a city shall be within a town, the town board shall divide, into election districts, only that part of the town which is outside the city, and no election district including any part of a city shall include any part of a town outside of a city.

A town, or ward of a city, containing less than four hundred voters may, at least thirty days before the election of inspectors of election of such town or ward, be divided into election districts by the town board of the town or the common council of the city, when, in the judgment of such board or council, the convenience of the voters will be promoted thereby.

The creation, division or alteration of an election district shall not take effect until the town meeting or city election occurring next thereafter, and at such town meeting or city election, inspectors of election shall be elected for such district. If the creation, alteration or division of an election district is rendered necessary by the creation or alteration of a town, or ward of a city, it shall take effect immediately. If inspectors are not elected for such district before September first next thereafter, the town board of the town or the common council of the city shall appoint three inspectors of election of such district.

No such new town or ward shall be subdivided into election districts between the first day of September and the day of the general election next after the creation of such new town or ward.” (§ 8 *Election Law*, 1892.)

**Maps and certificates of boundaries of election districts.**

"When a ward of a city, except New York and Brooklyn, shall be divided into two or more election districts, the common council of the city shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted in at least ten of the most public places in each election district of such ward; and shall, prior to every election, furnish copies of such map and description to the inspectors of election in each election district of such ward.

The officers creating, dividing or altering an election district in a town, shall forthwith make a certificate thereof, exhibiting the districts as so created, divided or altered, and their numbers respectively, and file the same in the town clerk's office." (§ 9 *Election Law*, 1892.)

**Election districts in towns including cities.**

"If a town shall include a city, or portion of a city, only such election districts as are wholly outside of the city shall be deemed election districts of the town, except for the purposes of town meetings." (§ 18 *Election Law*, 1892.)

**SENATE DISTRICTS.**

**As Organized by the Legislature, Chapter 397, Laws of 1893.\***

**FIRST DISTRICT.**

Counties of Queens and Suffolk.

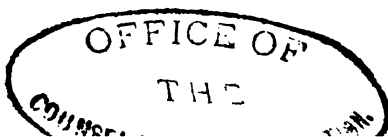
**SECOND DISTRICT.**

Seventh, ninth, tenth, twelfth and twenty-second wards of the city of Brooklyn.

**THIRD DISTRICT.**

Thirteenth, nineteenth, twenty-first, twenty-third and twenty-fifth wards of the city of Brooklyn.

\* Whenever the word "ward" or "wards" is used it is understood to refer to the ward or wards as constituted at the time of the passage of chap. 397, Laws of 1893.



FOURTH DISTRICT.

Fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and twenty-seventh wards of the city of Brooklyn.

FIFTH DISTRICT.

First, second, third, fourth, fifth, sixth, eleventh and twentieth wards of the city of Brooklyn.

SIXTH DISTRICT.

Eighth, twenty-fourth, twenty-sixth and twenty-eighth wards of the city of Brooklyn, the towns of Gravesend, Flatbush, Flatlands and New Utrecht, and the county of Richmond.

SEVENTH DISTRICT.

First, second, third, fifth, eighth, ninth and sixteenth wards of the city of New York, together with Bedlow's, Governor's and Ellis islands.

EIGHTH DISTRICT.

Fourth, sixth, seventh, eleventh and thirteenth wards of the city of New York.

NINTH DISTRICT.

Tenth, fourteenth, fifteenth and seventeenth wards of the city of New York.

TENTH DISTRICT.

Eighteenth, twentieth and twenty-first wards of the city of New York.

ELEVENTH DISTRICT.

That part of the twenty-second ward in the city of New York between Fortieth street and Fifty-second street, that part of the nineteenth ward between Fortieth street and Fifty-ninth street, and Blackwell's island.

TWELFTH DISTRICT.

That part of the twenty-second ward in the city of New York between Fifty-second street and Seventy-second street, and that part of the nineteenth ward between Fifty-ninth street and Seventy-second street, and such portions of Central park as may be within said limits.

THIRTEENTH DISTRICT.

That part of the Twenty-second ward in the city of New York north of Seventy-second street, that part of the nineteenth ward north of Seventy-second street, that part

of the twelfth ward north of Eighty-sixth street and west of Seventh avenue, and the twenty-third ward, and such portions of Central park as may be within said limits.

FOURTEENTH DISTRICT.

That part of the twelfth ward in the city of New York north of Eighty-sixth street and east of Seventh avenue, together with Ward's island and Randall's island.

FIFTEENTH DISTRICT.

Twenty-fourth ward of the city of New York and the counties of Putnam and Westchester.

SIXTEENTH DISTRICT.

Counties of Dutchess, Orange and Rockland.

SEVENTEENTH DISTRICT.

Counties of Greene, Schoharie, Sullivan and Ulster.

EIGHTEENTH DISTRICT.

Counties of Columbia and Rensselaer.

NINETEENTH DISTRICT.

County of Albany.

TWENTIETH DISTRICT.

Counties of Herkimer, Montgomery, Saratoga and Schenectady.

TWENTY-FIRST DISTRICT.

Counties of Clinton, Essex, Franklin, Fulton, Hamilton Warren and Washington.

TWENTY-SECOND DISTRICT.

Counties of Jefferson, Oswego and St. Lawrence.

TWENTY-THIRD DISTRICT.

Counties of Lewis, Oneida and Otsego.

TWENTY-FOURTH DISTRICT.

Counties of Madison and Onondaga.

TWENTY-FIFTH DISTRICT.

Counties of Broome, Chenango, Cortland, Delaware and Tioga.

TWENTY-SIXTH DISTRICT.

Counties of Cayuga, Ontario, Tompkins, Wayne and Yates.

TWENTY-SEVENTH DISTRICT.

Counties of Chemung, Schuyler, Seneca and Steuben.

TWENTY-EIGHTH DISTRICT.

County of Monroe.

TWENTY-NINTH DISTRICT.

Counties of Genesee, Livingston, Niagara, Orleans and Wyoming.

THIRTIETH DISTRICT.

First, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, nineteenth and twentieth wards of the city of Buffalo.

THIRTY-FIRST DISTRICT.

Fifteenth, sixteenth, seventeenth, eighteenth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards of the city of Buffalo, together with all that portion of Erie county lying outside of the city of Buffalo.

THIRTY-SECOND DISTRICT.

Counties of Chautauqua, Cattaraugus and Allegany.

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ASSEMBLY DISTRICTS.

Apportioned by the Legislature, Chapter 397. Passed April 30, 1892.

ALBANY COUNTY — FOUR DISTRICTS.

*First district.*—Towns of Berne, Bethlehem, Coeymans, New Scotland, Rensselaerville and Westerlo, and the first, second, fifth, and fifteenth wards of the city of Albany.

*Second district.*—Towns of Guilderland and Knox, and the eighth, tenth, eleventh, twelfth and seventeenth wards of the city of Albany.

*Third district.*—Third, fourth, sixth, seventh, thirteenth, fourteenth and sixteenth wards of the city of Albany, and all of that portion of the ninth ward of the city of Albany bounded and described as follows, viz.: Beginning at a point in the east bounds of the city, opposite the center of Livingston avenue; thence along the center of Livingston



avenue to the center of Broadway; thence northerly along the center of Broadway to the center of Patroon's creek; thence easterly along the center of Patroon's creek and the continuation of said line to the west bounds of the county of Rensselaer; thence southerly along said county line to the place of beginning.

*Fourth district.*—Town of Watervliet, the city of Cohoes and all that portion of the ninth ward of the city of Albany bounded and described as follows, viz.: Beginning at a point in the east bounds of the city, opposite the center of Patroon's creek; thence running westerly to the mouth of the arch covering Patroon's creek, and westerly along the center line of said creek and Tivoli lake to a point opposite the angle of intersection of the boundary lines of the city from the west and north; thence northerly to said angle, and northerly and easterly along the said boundary line of the city to the east bounds of the city and the Rensselaer county line; thence southerly along the west bounds of the county of Rensselaer to the place of beginning.

ALLEGANY COUNTY — ONE DISTRICT.

BROOME COUNTY — ONE DISTRICT.

CATTARAUGUS COUNTY — ONE DISTRICT.

CAYUGA COUNTY — ONE DISTRICT.

CHAUTAUQUA COUNTY — ONE DISTRICT.

CHEMUNG COUNTY — ONE DISTRICT.

CHENANGO COUNTY — ONE DISTRICT.

CLINTON COUNTY — ONE DISTRICT.

COLUMBIA COUNTY — ONE DISTRICT.

CORTLAND COUNTY — ONE DISTRICT.

DELAWARE COUNTY — ONE DISTRICT.

DUTCHESS COUNTY — TWO DISTRICTS.

*First district.*—Towns of Amenia, Beekman, Dover, East Fishkill, Fishkill, La Grange, North East, Pawling, Pine Plains, Stanford, Union Vale, Wappingers and Washington.

*Second district.*—Towns of Clinton, Hyde Park, Milan, Pleasant Valley, Poughkeepsie, Red Hook, and Rhinebeck and city of Poughkeepsie.

ERIE COUNTY — SIX DISTRICTS.

*First district.*—First, second, fourth, nineteenth, twentieth and twenty-second wards of the city of Buffalo.

*Second district.*—Third, seventh, eighth, ninth and tenth wards of the city of Buffalo.

*Third district.*—Sixth, twelfth, thirteenth, fourteenth and fifteenth wards of the city of Buffalo.

*Fourth district.*—Sixteenth, seventeenth, twenty-first, twenty-third and twenty-fourth wards of the city of Buffalo.

*Fifth district.*—Eighteenth and twenty-fifth wards of the city of Buffalo, and towns of Alden, Amherst, Cheektowaga, Clarence, Green Island, Lancaster, Marilla, Newstead, Tonawanda and Wales.

*Sixth district.*—Fifth and eleventh wards of the city of Buffalo, and the towns of Aurora, Boston, Brant, Colden, Collins, Concord, East Hamburg, Eden, Evans, Hamburg, Holland, North Collins, Sardinia, Elma and West Seneca.

ESSEX COUNTY—ONE DISTRICT.

FRANKLIN COUNTY—ONE DISTRICT.

FULTON AND HAMILTON COUNTIES—ONE DISTRICT.

GENESEE COUNTY—ONE DISTRICT.

GREENE COUNTY—ONE DISTRICT.

HERKIMER COUNTY—ONE DISTRICT.

JEFFERSON COUNTY—ONE DISTRICT.

KINGS COUNTY—EIGHTEEN DISTRICTS.\*

*First district.*—Beginning at a point on the East river at the center of Bridge street; running thence southerly along the center line of Bridge street and in a straight line to the center of Fulton avenue; thence westerly along the center of Fulton avenue to the center of Court square; thence southerly along the centers of Court square and Boerum place to the center of Atlantic avenue; thence westerly along the center of Atlantic avenue to the East river, and thence northeasterly along the East river to the point of beginning.

*Second district.*—Beginning at a point formed by the intersection of the center lines of Fulton avenue and Court square; thence easterly along the center of Fulton avenue to the intersection of the center lines of Fulton and Flatbush avenues; thence southerly along the center of Flatbush avenue to the center of Fourth avenue; thence southwesterly along the center of Fourth avenue to the center of Butler street; thence northwesterly along the center of Butler street to the center of Nevins street; thence southwesterly along the center of Nevins street to the center of Douglass street; thence northwesterly along the center of Douglass street to the center of Hoyt street; thence southwesterly along the center of Hoyt street to the center of Sackett street; thence northwesterly along the center of Sackett street to the center of Court street; thence northerly along the center of Court street to the center of Atlan-

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\* Reapportioned by order of court in 1893.

tic avenue; thence easterly along the center of Atlantic avenue to the center line of Boerum place, and thence northeasterly along the centers of Boerum place and Court square to the place of beginning.

*Third district.*—Beginning on the East river at the center line of Bridge street; thence southerly along the center line of Bridge street to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Prince street; thence northerly along the center line of Prince street to the center line of Johnson street; thence easterly along the center line of Johnson street to the center line of Hudson avenue; thence southerly along the center line of Hudson avenue to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Raymond street; thence southerly along the center line of Raymond street to the center line of Boliver street; thence easterly along the center line of Boliver street to the center line of Canton street; thence northerly along the center line of Canton street to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Portland avenue or a line in continuation thereof; thence southerly in a straight line across Washington Park to the center of South Portland avenue; thence southerly along the center of South Portland avenue to the center of Atlantic avenue; thence southeasterly along the center of Atlantic avenue to the center of Washington avenue; thence northerly along the center of Washington avenue to the center line of Flushing avenue; thence westerly along the center of Flushing avenue to the southwesterly corner of the United States Navy Yard; thence northerly, northwesterly and northeasterly along the United States Navy Yard to the East river; thence westerly along the East river to the point of beginning.

*Fourth district.*—Beginning on the East river at the center of Atlantic avenue in the city of Brooklyn; thence easterly along the center of Atlantic avenue to the center of Court street; thence southerly along the center of Court street to the center of Fourth place; thence westerly along the center of Fourth place to the center of Henry street; thence northeasterly along the center of Henry street to the center of Coles street; thence westerly along the center of Coles street to the center of Hamilton avenue; thence along the center of Hamilton avenue to the East river; thence along the East river to the place of beginning.

*Fifth district.*—Beginning at a point formed by the intersection of the center line of Broadway with the center

line of Flushing avenue in the city of Brooklyn; running thence westerly along the center of Flushing avenue to the center line of Kent avenue; thence southerly along the center of Kent avenue to the center line of Park avenue; thence easterly along the center line of Park avenue to the center line of Franklin avenue; thence southerly along the center line of Franklin avenue to the center line of Willoughby avenue; thence easterly along the center line of Willoughby avenue to the center line of Bedford avenue; thence southerly along the center line of Bedford avenue to the center line of Lafayette avenue; thence westerly along the center line of Lafayette avenue to the center line of Franklin avenue; thence southerly along the center line of Franklin avenue to the center of Clifton place; thence westerly along the center of Clifton place to the center of Classon avenue; thence southerly along the center line of Classon avenue to the center of Fulton avenue; thence northwesterly along the center of Fulton avenue to the center line of Washington avenue; thence northerly along the center line of Washington avenue to the Wallabout canal; thence northwesterly along said canal to Wallabout bay; thence northwesterly along said Wallabout bay to the center of Division avenue; thence easterly along the center of Division avenue and in a straight line to the center line of Bedford avenue; thence southeasterly along the center of Bedford avenue to the center of Wilson street; thence northeasterly along the center of Wilson street to the center of Lee avenue; thence southeasterly along the center of Lee avenue to the center of Keep street; thence northeasterly along the center of Keep street to the center of Marcy avenue; thence southeasterly along the center of Marcy avenue to the center of Penn street; thence northeasterly along the center of Penn street to the center of Harrison avenue; thence northerly along the center of Harrison avenue to the center of Division avenue; thence southeasterly along the center of Division avenue to the center of Broadway; thence southeasterly along the center of Broadway to the point of beginning.

*Sixth district.*—Beginning at a point in Gowanus bay opposite the line dividing the town of New Utrecht from the city of Brooklyn; running thence northeasterly along Gowanus bay to a point formed by the intersection of Gowanus bay with Prospect avenue; thence southeasterly along the center line of Prospect avenue to the center line of Sixth avenue; thence southwesterly along the center line of Sixth avenue to the center line of Twenty-third street; thence southeasterly along the center of Twenty-

third street to the center of Seventh avenue; thence northeasterly along the center of Seventh avenue to the southerly side of Twentieth street; thence southeasterly along the southerly side of Twentieth street to a point distant one hundred feet northwesterly from the corner formed by the intersection of the southerly side of Twentieth street with the westerly side of Ninth avenue; thence southwesterly on a line parallel with and distant one hundred feet from the westerly side of Ninth avenue to the northerly line of Twenty-first street; thence southeasterly along the northerly line of Twenty-first street to the westerly line of Ninth avenue, and thence northeasterly along the westerly line of Ninth avenue to the southerly side of Twentieth street; thence southeasterly along the southerly side of Twentieth street to the westerly line of Tenth avenue; thence southwesterly along the westerly line of Tenth avenue to the southerly side of Twenty-second street as laid down on the commissioners' map of the city of Brooklyn; thence southeasterly along the southerly side of Twenty-second street as so laid down to the line separating the town of Flatbush from the city of Brooklyn. And all of the towns of Flatbush and New Utrecht.

*Seventh district.*—Beginning at a point where the center line of Myrtle avenue intersects the center line of Bridge street; running thence easterly along the center line of Myrtle avenue to the center line of Prince street; thence northerly along the center line of Prince street to the center line of Johnson street; thence easterly along the center line of Johnson street to the center line of Hudson avenue; thence southerly along the center line of Hudson avenue to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Raymond street; thence southerly along the center line of Raymond street to the center line of Boliver street; thence easterly along the center line of Boliver street to the center line of Canton street; thence northerly along the center line of Canton street to the center line of Myrtle avenue; thence easterly along the center line of Myrtle avenue to the center line of Portland avenue or a line in continuation thereof; thence southerly along the center line of Portland avenue in a straight line across Washington Park to the center line of Atlantic avenue; thence southeasterly along the center of Atlantic avenue to the center line of Washington avenue; thence northerly along the center line of Washington avenue to the center line of Fulton avenue; thence southeasterly along the center line of Fulton avenue to a point opposite the center of Ormond place; thence northerly along the center line of Ormond place

to the center line of Putnam avenue; thence easterly along the center line of Putnam avenue to the center line of Franklin avenue; thence southerly along the center line of Franklin avenue to a point opposite the center line of Hancock street; thence easterly along the center line of Hancock street to the center line of Spencer place; thence southerly along the center line of Spencer place to the center line of Fulton avenue; thence southeasterly along the center line of Fulton avenue to the center line of Bedford avenue; thence southerly along the center of Bedford avenue to a point opposite the center line of Brevoort place; thence westerly along the center line of Brevoort place to the center line of Franklin avenue; thence southerly along the center of Franklin avenue to the city line; thence westerly along the city line to the center of Flatbush avenue; thence northerly along the center line of Flatbush avenue to a point opposite the center line of Union street; thence northwesterly along the center line of Union street to the center line of Fourth avenue; thence northeasterly along the center line of Fourth avenue to the center line of Flatbush avenue; thence northerly along the center line of Flatbush avenue to the center line of Fulton avenue; thence northwesterly along the center line of Fulton avenue to the center line of Bridge street; thence northerly along the center line of Bridge street to the point of beginning.

*Eighth district.*—Beginning on the East river on the center line of Hamilton avenue, thence southerly along the center line of Hamilton avenue to the center line of Coles street; thence southeasterly along the center of Coles street to the center of Henry street; thence southerly along the center of Henry street to the center of Fourth place; thence southeasterly along the center of Fourth place to the center of Court street; thence northeasterly along the center of Court street to the center of Sackett street; thence southeasterly along the center of Sackett street to the center of Hoyt street; thence northeasterly along the center of Hoyt street to the center of Douglass street; thence southeasterly along the center of Douglass street to the center of Nevins street; thence northeasterly along the center of Nevins street to the center of Butler street; thence southeasterly along the center of Butler street to the center of Fourth avenue; thence southwesterly along the center of Fourth avenue to the center of First street; thence northwesterly along the center of First street to the center of Gowanus canal; thence southerly and southwesterly along the center of Gowanus canal to Gowanus bay; thence along the Gowanus bay and East river to the place of beginning.

*Ninth district.*—Beginning at a point in the East river at the center line of North Eighth street, running thence southeasterly along the center of North Eighth street to the center line of Union avenue; thence southerly along the center line of Union avenue to the center line of North Second street; thence westerly along the center of North Second street to a point at the intersection of the center line of Rodney street; thence southwesterly along the center of Rodney street to the center line of Broadway; thence southeasterly along the center of Broadway to a point formed by the intersection of the center line of Division avenue; thence westerly along the center line of Division avenue to a point formed by the intersection of Harrison avenue; thence southeasterly along the center line of Harrison avenue to the center line of Penn street; thence southwesterly along the center of Penn street to the center line of Marcy avenue; thence northwesterly along the center line of Marcy avenue to the center line of Keep street; thence southwesterly along the center line of Keep street to the center line of Lee avenue; thence northwesterly along the center of Lee avenue to the center of Wilson street; thence southwesterly along the center of Wilson street to the center of Bedford avenue; thence northwesterly along the center of Bedford avenue to the center of Division avenue; thence westerly along the center of Division avenue to the East river; thence northerly along the East river to the point of beginning.

*Tenth district.*—Beginning at the center of the intersection of South Second and Rodney streets; running thence northeasterly through the center line of Rodney street to the center line of North second street; thence easterly along the center of North Second street to the center of Union avenue; thence northerly through the center line of Union avenue to the center of Driggs avenue; thence northeasterly along the center of Driggs avenue to the point formed by the intersection of the center line of Van Pelt avenue; thence easterly along the center of Van Pelt avenue to the center of Leonard street; thence southerly along the center of Leonard street to the center of Richardson street; thence easterly along the center of Richardson street to a point formed by the intersection of the center line of Meeker avenue; thence northeasterly along the center of Meeker avenue to the center of Newtown creek; thence southeasterly along the center of Newtown creek to the line of the county of Queens; thence southeasterly along the line of the county of Queens to the center of Flushing avenue at its intersection with the said line of the county

of Queens; thence southwesterly and westerly along the center of Flushing avenue to the center of Bushwick avenue or road as the same was originally laid down on the commissioners' map of the town of Bushwick; thence along the center of said Bushwick avenue or road as the same was so laid down to the center of Ten Eyck street; thence westerly along the center of Ten Eyck street to the center of Union avenue; thence southerly along the center of Union avenue to the center line of South Second street; thence northwesterly along the center line of South Second street to the point of beginning.

*Eleventh district.*—Beginning at the intersection of the center line of Rodney street and Broadway, running thence southeasterly along the center line of Broadway to the center line of Flushing avenue; thence in an easterly direction along the center line of Flushing avenue to the center line of Bushwick avenue or road as the same was originally laid down on the commissioners' map of the town of Bushwick; thence in a northerly, northwesterly and northeasterly direction along the center line of Bushwick avenue or road as the same was so laid down to the center line of Ten Eyck street; thence westerly along the center line of Ten Eyck street to the center line of Union avenue; thence in a southerly direction along the center line of Union avenue to the center line of South Second street; thence in a northwesterly direction along the center line of South Second street to the center line of Rodney street; thence in a southwesterly direction along the center line of Rodney street to the center line of Broadway, the place of beginning.

*Twelfth district.*—Beginning at the easterly permanent line of the East river where the same would be intersected by the center line of North Eighth street; running thence southeasterly along the center of North Eighth street to the center line of Union avenue; thence northerly along the center line of Union avenue to the center line of Driggs avenue; thence northeasterly along the center of Driggs avenue to the center of Van Pelt avenue; thence easterly along the center of Van Pelt avenue to the center of Leonard street; thence southerly along the center of Leonard street to the center of Richardson street; thence westerly along the center of Richardson street to the intersection of the center of Meeker avenue; thence northeasterly along the center of Meeker avenue to the center of Newtown creek; thence northwesterly along the center of Newtown creek to the permanent line of the East river; thence southerly along the permanent line of the East river to the point of beginning.



*Thirteenth district.*—Beginning at a point of the center line of Kent avenue and Flushing avenue; running thence easterly along the center line of Flushing avenue to the center of Broad way; thence southeasterly along the center line of Broadway to the center of Lafayette avenue; thence westerly along the center of Lafayette avenue to the center line of Bedford avenue; thence northerly along the center of Bedford avenue to the center of Willoughby avenue; thence westerly along the center of Willoughby avenue to the center of Franklin avenue; thence northerly along the center of Franklin avenue to the center of Park avenue; thence westerly along the center of Park avenue to the center of Kent avenue; thence northerly along the center of Kent avenue to the point of beginning.

*Fourteenth district.*—Beginning at a point where the southerly boundary of the Plaza intersects the center line of Flatbush avenue; running thence southeasterly along the center line of Flatbush avenue to the line separating the town of Flatbush from the city of Brooklyn; thence along said division line as it now runs to the southerly side of Twenty-second street as laid down on the commissioners' map of the city of Brooklyn; thence westerly along said southerly side of Twenty-second street as so laid down to the westerly side of Tenth avenue; thence northeasterly along the westerly side of Tenth avenue to the southerly side of Twentieth street; thence northwesterly along the southerly side of Twentieth street to the westerly side of Ninth avenue; thence southwesterly along said westerly side of Ninth avenue to the northerly line of Twenty-first street; thence northwesterly along the northerly side of Twenty-first street 100 feet; thence northeasterly on a line parallel with and distant 100 feet from the westerly line of Ninth avenue to the southerly side of twentieth street; thence northwesterly along the southerly side of twentieth street to the center line of Seventh avenue; thence southwesterly along the center line of Seventh avenue to the center line of Twenty-third street; thence northwesterly along the center line of Twenty-third street to the center line of Sixth avenue; thence northeasterly along the center line of Sixth avenue to the center line of Prospect avenue; thence northwesterly along the center line of Prospect avenue to the center line of Gowanus bay or canal; thence northeasterly along said center line of said bay or canal as the same now runs to the center line of First street as originally laid out on the commissioners' map of the city of Brooklyn; thence southeasterly along the center line of First street as so laid out to the center line of Fourth avenue; thence northeasterly

along the center line of Fourth avenue to the center line of Union street; thence southeasterly along the center line of Union street and a line drawn in continuation thereof to a point where said line in continuation of the center line of Union street intersects a line drawn in continuation of the center line of Ninth avenue; thence along the line drawn in continuation of the center line of Ninth avenue to the southerly boundary of the Plaza; thence easterly along the southerly boundary of the Plaza to the place of beginning, including the southerly and westerly boundaries of Prospect Park as established by law.

*Fifteenth district.*—Beginning at a point formed with the centers of Franklin and Lafayette avenues; thence easterly along the center of Lafayette avenue to the center of Reid avenue; thence southerly along the center of Reid avenue to the center of Fulton avenue; thence northwesterly along the center of Fulton avenue to the center of Utica avenue; thence southerly along the center of Utica avenue to the center of Atlantic avenue; thence northwesterly along the center of Atlantic avenue to the center of Franklin avenue; thence northerly along the center of Franklin avenue to the center of Brevoort place; thence easterly along the center of Brevoort place to the center of Bedford avenue; thence northerly along the center of Bedford avenue to the center of Fulton avenue; thence northwesterly along the center of Fulton avenue to the center of Spencer place; thence northerly along the center of Spencer place to the center of Hancock street; thence westerly along the center of Hancock street to the center of Franklin avenue; thence northerly along the center of Franklin avenue to the center of Putnam avenue; thence westerly along the center of Putnam avenue to the center of Ormond place; thence southerly along the center of Ormond place to the center of Fulton avenue; thence northwesterly along the center of Fulton avenue to the center of Classon avenue; thence northerly along the center of Classon avenue to the center of Clifton place; thence easterly along the center of Clifton place to the center of Franklin avenue; thence northerly along the center of Franklin avenue to the point of beginning.

*Sixteenth district.*—Beginning at a point formed by the intersection of Atlantic and Franklin avenues; running thence southeasterly along the center of Atlantic avenue to the center of Utica avenue; thence northerly along the center of Utica avenue to the center of Fulton avenue; thence southeasterly along the center of Fulton avenue to the center of Reid avenue; thence northerly along the center of Reid avenue to the center of Lafayette avenue;

thence easterly along the center of Lafayette avenue to the center of Broadway; thence southeasterly along the center of Broadway to the center of McDougal street; thence westerly along the center line of McDougal street to the center line of Hopkinson avenue; thence southerly along the center of Hopkinson avenue to the center of Atlantic avenue; thence southeasterly along the center of Atlantic avenue to the former boundary line between the city of Brooklyn and the town of New Lots; thence southwesterly along the said former boundary line to the center of Rockaway avenue; thence southerly along the center of Rockaway avenue to the boundary line of the town of Flatlands; thence along the boundary lines of the towns of Flatlands and Gravesend in all their turnings (so as to include said two towns into this assembly district) to a point formed by the intersection of the boundary lines of the towns of Flatbush, Flatlands and the former town of New Lots; thence northerly along the boundary line dividing the town of Flatbush from the former town of New Lots to the city line; thence westerly along the city line to a point in the center of Franklin avenue; thence northerly along the center of Franklin avenue to the point of beginning.

*Seventeenth district.*—Beginning at a point formed by the intersection of the center line of Rockaway avenue with the boundary line of the town of Flatlands; thence northerly along the center line of Rockaway avenue to the former boundary line between the city of Brooklyn and the town of New Lots; thence running northeasterly along said boundary line to the center line of Atlantic avenue; thence northwesterly along the center line of Atlantic avenue to the center of Hopkinson avenue; thence northerly along the center of Hopkinson avenue to the center of McDougal street; thence easterly along the center of McDougal street to the center of Broadway; thence northwesterly along the center of Broadway to the center of Cooper street; thence northeasterly along the center of Cooper street to the center of Evergreen avenue; thence northwesterly along the center of Evergreen avenue to the center of Palmetto street; thence northeasterly along the center of Palmetto street to the center of Central avenue; thence northwesterly along the center of Central avenue to the center of Ralph avenue; thence northeasterly along the center of Ralph avenue to the center of Hamburg avenue; thence northwesterly along the center of Hamburg avenue to the center of Green avenue; thence southwesterly along the center of Green avenue to the center of Central avenue; thence northwesterly along the center of Central avenue to the center

of Himrod street; thence northeasterly along the center of Himrod street to the center of Wyckoff avenue; thence southeasterly along the center of Wyckoff avenue to the center of Green avenue; thence northeasterly along the center of Green avenue to the boundary line of the county of Queens; thence southeasterly along said boundary line to the boundary line of the former town of New Lots, and thence following the boundary line of the former town of New Lots in all its turns to the point of beginning.

*Eighteenth district.*—Beginning at a point formed by the center line of Cooper street with the center line of Broadway; running thence northwesterly along the center line of Broadway to the center of Flushing avenue; thence northeasterly along the center of Flushing avenue to the boundary line of Queens county; thence southeasterly along said line to the center of Green avenue; thence southwesterly along the center of Green avenue to the center of Wyckoff avenue; thence northwesterly along the center of Wyckoff avenue to the center of Himrod street; thence southwesterly along the center of Himrod street to the center of Central avenue; thence southeasterly along the center of Central avenue to the center of Green avenue; thence northeasterly along the center of Green avenue to the center of Hamburg avenue; thence southeasterly along the center of Hamburg avenue to the center of Ralph avenue; thence southwesterly along the center of Ralph avenue to the center of Central avenue; thence southeasterly along the center of Central avenue to the center of Palmetto street; thence southwesterly along the center of Palmetto street to the center of Evergreen avenue; thence southeasterly along the center of Evergreen avenue to the center of Cooper street; thence southwesterly along the center of Cooper street to the point of beginning.

LEWIS COUNTY — ONE DISTRICT.

LIVINGSTON COUNTY — ONE DISTRICT.

MADISON COUNTY — ONE DISTRICT.

MONROE COUNTY — THREE DISTRICTS.

*First district.*— Towns of Irondequoit, Webster, Penfield, Perinton, Pittsford, Brighton, Henrietta, Rush and Mendon, and the twelfth, thirteenth, fourteenth, seventeenth and eighteenth wards of the city of Rochester.

*Second district.*— First, second, third, fourth, fifth, sixth, seventh, eighth, ninth and sixteenth wards of the city of Rochester.

*Third district.*— Towns of Hamlin, Parma, Clarkson, Greece, Gates, Sweden, Ogden, Chili, Riga and Wheatland,

and the tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester.

MONTGOMERY COUNTY—ONE DISTRICT.

NEW YORK CITY AND COUNTY—THIRTY DISTRICTS.

*First district.*—All that part of the city bounded by and lying within Spring street, Broadway, Park Row, Spruce street, Gold street, Ferry street, Peck slip, East river, Hudson or North river and Governor's, Bedloe's and Ellis' islands.

*Second district.*—All that part of the city bounded by and lying within Grand street, Bowery, Division street, Pike street, Pike slip, East river, Peck slip, Ferry street, Gold street, Spruce street, Park Row and Broadway.

*Third district.*—All that part of the city bounded by and lying within Prince street, the Bowery, Stanton street, Ludlow street, Grand street, Orchard street, Division street, the Bowery, Grand street and Broadway.

*Fourth district.*—All that part of the city bounded by and lying within Grand street, East river, Pike slip, Pike street and Orchard street.

*Fifth district.*—All that part of the city bounded by and lying within Stanton street, East river, Grand street and Ludlow street.

*Sixth district.*—All that part of the city bounded by and lying within East Fourteenth street, East river, Stanton street, Clinton street and Avenue B.

*Seventh district.*—All that part of the city bounded by and lying within Eighth street, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Stanton street, the Bowery, Prince street and Broadway.

*Eighth district.*—All that part of the city bounded by and lying within Christopher street, Greenwich avenue, Seventh avenue, West Fourteenth street, East Fourteenth street, Broadway, Spring street and Hudson or North river.

*Ninth district.*—All that part of the city bounded by and lying within West Nineteenth street, Seventh avenue, Greenwich avenue, Christopher street and Hudson or North river.

*Tenth district.*—All that part of the city bounded by and lying within East Seventeenth street, East river, East Fourteenth street, Avenue B, Seventh street, Avenue A, St. Mark's place, Eighth street, Broadway, East Fourteenth street and Fourth avenue.

*Eleventh district.*—All that part of the city bounded by and lying within West Fortieth street, East Fortieth

street, Fourth avenue, East Fourteenth street, West Fourteenth street and Seventh avenue.

*Twelfth district.*—All that part of the city bounded by and lying within East Twenty-ninth street, East river, East Seventeenth street and Fourth avenue.

*Thirteenth district.*—All that part of the city bounded by and lying within West Thirty-first street, Seventh avenue, West Nineteenth street and Hudson or North river.

*Fourteenth district.*—All that part of the city bounded by and lying within East Forty-fourth street, East river, East Twenty-ninth street and Fourth avenue.

*Fifteenth district.*—All that part of the city bounded by and lying within West Fortieth street, Seventh avenue, West Thirty-first street and Hudson or North river.

*Sixteenth district.*—All that part of the city bounded by and lying within East Fifty-ninth street, East river, East Forty-fourth street, Depew place, East Forty-fifth street, Fourth avenue and Blackwell's island.

*Seventeenth district.*—All that part of the city bounded by and lying within West Forty-seventh street, Seventh avenue, West Fortieth street and Hudson or North river.

*Eighteenth district.*—All that part of the city bounded by and lying within West Fifty-fourth street, Ninth avenue, West Fifty-third street, Seventh avenue, West Forty-seventh street and Hudson or North river.

*Nineteenth district.*—All that part of the city bounded by and lying within West Seventy-second, Eighth avenue, West Fifty-ninth street, Seventh avenue, West Fifty-third street, Ninth avenue, West Fifty-fourth street and Hudson or North river.

*Twentieth district.*—All that part of the city bounded by and lying within East Seventy-third street, East river, East Fifty-ninth street and Lexington avenue.

*Twenty-first district.*—All that part of the city bounded by and lying within Transverse road across Central Park, at or near Eighty-sixth street, East Eighty-sixth street, Lexington avenue, East Fifty-ninth street, Fourth avenue, East Forty-fifth street, Depew place, East Forty-second street, Fourth avenue, East Fortieth street, West Fortieth street, Seventh avenue, West Fifty-ninth street and Eighth avenue.

*Twenty-second district.*—All that part of the city bounded by and lying within East Eighty-second street, East river, East Seventy-third street and Lexington avenue.

*Twenty-third district.*—All that part of the city bounded by and lying within West One Hundred and Twenty-second street and a line running through Riverside park, Boulevard, West One Hundred and twentieth street, Seventh avenue, West One Hundred and Tenth street, Eighth avenue, West Seventy-second street and Hudson or North river.

*Twenty-fourth district.*—All that part of the city bounded by and lying within East Eighty-ninth street, East river, East Eighty-second street, Lexington avenue, East Eighty-sixth street and Fifth avenue.

*Twenty-fifth district.*—All that part of the city bounded by and lying within West One Hundred and Tenth street, Fifth avenue, East One Hundred and Fifth street, Harlem river, East river, East Eighty-ninth street, Fifth avenue, Transverse road across Central park at or near East Eighty-sixth street and Eighth avenue.

*Twenty-sixth district.*—All that part of the city bounded by and lying within West One Hundred and Eighteenth street, East One Hundred and Eighteenth street, Harlem river, East One Hundred and Fifth street, Fifth avenue, West One Hundred and Tenth street, Seventh avenue and Ward's island.

*Twenty-seventh district.*—All that part of the city bounded by and lying within Harlem river, East One Hundred and Eighteenth street, West One Hundred and Eighteenth street, Seventh avenue, Randall's island and Sunken Meadows.

*Twenty-eighth district.*—All that part of the city bounded by and lying within Spuyten Duyvil creek, Harlem river, Seventh avenue, West One Hundred and Twentieth street, Boulevard, West One Hundred and Twenty-second street and a line running through Riverside park and Hudson or North river.

*Twenty-ninth district.*—All that part of the city bounded by and lying within Tremont avenue, Westchester avenue, Bronx river, East river or Long Island sound, Harlem river, Willis avenue, East One Hundred and Forty-ninth street, Mott avenue, East One Hundred and Sixty-fifth street, Jerome avenue and North Brothers Island.

*Thirtieth district.*—All that part of the city bounded by and lying within the northern boundary of the Twenty-fourth ward, Bronx river, Westchester avenue, Tremont avenue, Jerome avenue, East One Hundred and Sixty-fifth street, Mott avenue, East One Hundred and Forty-ninth street, Willis avenue, Harlem river, Spuyten Duyvil creek and Hudson or North river.

## NIAGARA COUNTY — ONE DISTRICT.

## ONEIDA COUNTY — TWO DISTRICTS.

*First district.*—Towns of Forrestport, Remsen, Trenton, Deerfield, New Hartford, Paris, March and the city of Utica.

*Second district.*—Towns of Annsville, Augusta, Ava, Boonville, Bridgewater, Camdem, Florence, Floyd, Kirkland, Lee, Marshall, Sangerfield, Steuben, Vernon, Verona, Vienna, Western, Westmoreland and Whitestown, and the city of Rome.

## ONONDAGA COUNTY — THREE DISTRICTS.

*First district.*—Towns of Camillus, Cicero, Clay, Geddes, Lysander, Van Buren and the first, third, fourth, ninth, tenth and twelfth wards of the city of Syracuse.

*Second district.*—Towns of Elbridge, La Fayette, Marcellus, Onondaga, Otisco, Skaneateles, Spafford and Tully, and the fifth, sixth, eleventh and thirteenth wards of the city of Syracuse.

*Third district.*—Towns of De Witt, Fabius, Manlius, Pompey, Salina and the second, seventh, eighth and fourteenth wards of the city of Syracuse.

## ONTARIO COUNTY — ONE DISTRICT.

## ORANGE COUNTY — TWO DISTRICTS.

*First district.*—City of Newburgh and the towns of Newburgh, Cornwall, Highlands, New Windsor, Blooming Grove, Monroe, Woodbury, Tuxedo and Montgomery.

*Second district.*—City of Middletown and towns of Wallkill, Wawayanda, Minisink, Greenville, Deer Park, Crawford, Hamptonburgh, Chester, Mount Hope, Warwick and Goshen.

## ORLEANS COUNTY — ONE DISTRICT.

## OSWEGO COUNTY — ONE DISTRICT.

## OTSEGO COUNTY — ONE DISTRICT.

## PUTNAM COUNTY — ONE DISTRICT.

## QUEENS COUNTY — THREE DISTRICTS.

*First district.*—Long Island City.

*Second district.*—Towns of Flushing, Newtown and North Hempstead.

*Third district.*—Towns of Jamaica, Oyster Bay and Hempstead.



## RENSSELAER COUNTY—THREE DISTRICTS.

*First district.*—First, second, third, fourth, seventh, eighth, ninth, tenth and eleventh wards of the city of Troy.

*Second district.*—Fifth and thirteenth wards of the city of Troy and the towns of Brunswick, Grafton, Hoosick, Lansingburgh, Petersburg, Pittstown and Schaghticoke.

*Third district.*—Sixth and twelfth wards of the city of Troy and the towns of Berlin, East Greenbush, Greenbush, Nassau, North Greenbush, Poestenkill, Sandlake, Schodack and Stephentown.

RICHMOND COUNTY—ONE DISTRICT.

ROCKLAND COUNTY—ONE DISTRICT.

ST. LAWRENCE COUNTY—ONE DISTRICT.

SARATOGA COUNTY—ONE DISTRICT.

SCHENECTADY COUNTY—ONE DISTRICT.

SCHOHARIE COUNTY—ONE DISTRICT.

SCHUYLER COUNTY—ONE DISTRICT.

SENECA COUNTY—ONE DISTRICT.

STEBEN COUNTY—TWO DISTRICTS.

*First district.*—Towns of Avoca, Bath, Bradford, Campbell, Cohocton, Fremont, Howard, Prattsburg, Pulteney, Thurston, Urbana, Wayland, Wayne, Wheeler, Erwin and Hornby.

*Second district.*—Towns of Addison, Cameron, Canisteo, Caton, Corning, Dansville, Greenwood, Hartsville, Hornellsville, Jasper, Lindley, Rathbone, Troupsburgh, Tuscarora, West Union and Woodhull, and the cities of Corning and Hornellsville.

SUFFOLK COUNTY—ONE DISTRICT.

SULLIVAN COUNTY—ONE DISTRICT.

TIOGA COUNTY—ONE DISTRICT.

TOMPKINS COUNTY—ONE DISTRICT.

ULSTER COUNTY—TWO DISTRICTS.

*First district.*—City of Kingston and the towns of Hurley, Kingston, Saugerties, Shandaken, Ulster and Woodstock.

*Second district.*—Towns of Denning, Esopus, Gardiner, Hardenburgh, Lloyd, Marbletown, Marlborough, New Paltz, Olive, Plattekill Rochester, Rosendale, Shawangunk and Wawarsing.

WARREN COUNTY—ONE DISTRICT.

WASHINGTON COUNTY—ONE DISTRICT.

WAYNE COUNTY—ONE DISTRICT.

WESTCHESTER COUNTY—THREE DISTRICTS.

*First district.*—Towns of Eastchester, Greenburg, Scarsdale and city of Yonkers.

*Second district.*—Towns of Harrison, Mamaroneck, New Rochelle, Pelham, Rye, Westchester and city of Mount Vernon.

*Third district.*—Towns of Bedford, Cortlandt, Lewisboro, Mount Pleasant, New Castle, North Castle, North Salem, Ossining, Poundridge, Somers, White Plains and Yorktown.

WYOMING COUNTY—ONE DISTRICT.

YATES COUNTY—ONE DISTRICT.

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## CONGRESSIONAL DISTRICTS OF THE STATE OF NEW YORK.

[AS ESTABLISHED BY CHAP. 295, LAWS OF 1892.\*]

*First district.*—The counties of Suffolk and Queens.

*Second district.*—The first, second, fifth, sixth, seventh, eleventh and twentieth wards of the city of Brooklyn.

*Third district.*—The third, fourth, ninth, tenth, twenty-second and twenty-third wards of the city of Brooklyn and the town of Flatbush.

*Fourth district.*—The eighth, twelfth, twenty-fourth, twenty-fifth and twenty-sixth wards of the city of Brooklyn and the towns of Flatlands, Gravesend and New Utrecht.

*Fifth district.*—The eighteenth, nineteenth, twenty-first, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

*Sixth district.*—The thirteenth, fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

*Seventh district.*—The county of Richmond and the first and fifth assembly districts of the county of New York.

*Eighth district.*—The second, third and seventh assembly districts of the county of New York.

*Ninth district.*—The fourth, sixth and eighth assembly districts of the county of New York.

*Tenth district.*—The ninth, thirteenth and fifteenth assembly districts of the county of New York.

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\* The words "assembly district," and the word "ward" or "wards" when used in this act are understood to refer to the assembly districts of the ward as constituted at the time of the passage of chapter 295, Laws of 1892.

*Eleventh district.*—The tenth, twelfth and fourteenth assembly districts of the county of New York.

*Twelfth district.*—The eleventh, sixteenth and eighteenth assembly districts of the county of New York.

*Thirteenth district.*—The seventeenth and twentieth assembly districts of the county of New York, and that portion of the twenty-first assembly district below the center of Fifty-ninth street in the city of New York.

*Fourteenth district.*—The nineteenth assembly district of the county of New York, that portion of the twenty-first assembly district between the center of Fifty-ninth street and the center of Seventy-ninth street, and that portion of the twenty-second assembly district below the center of Seventy-ninth street in the city of New York.

*Fifteenth district.*—That portion of the twenty-first assembly district between the center of Seventy-ninth street and the center of Eighty-sixth street; that portion of the twenty-second district above the center of Seventy-ninth street in the city of New York, and the twenty-third assembly district of the county of New York.

*Sixteenth district.*—The twenty-fourth assembly district of the county of New York and the county of Westchester.

*Seventeenth district.*—The counties of Orange, Rockland and Sullivan.

*Eighteenth district.*—The counties of Dutchess, Putnam and Ulster.

*Nineteenth district.*—The counties of Columbia and Rensselaer.

*Twentieth district.*—The county of Albany.

*Twenty-first district.*—The counties of Greene, Montgomery, Otsego, Schenectady, Schoharie.

*Twenty-second district.*—The counties of Fulton and Hamilton, St. Lawrence and Saratoga.

*Twenty-third district.*—The counties of Clinton, Essex, Franklin, Warren and Washington.

*Twenty-fourth district.*—The counties of Jefferson, Lewis and Oswego.

*Twenty-fifth district.*—The counties of Herkimer and Oneida.

*Twenty-sixth district.*—The counties of Broome, Chenango, Delaware, Tioga and Tompkins.

*Twenty-seventh district.*—The counties of Madison and Onondaga.

*Twenty-eighth district.*—The counties of Cayuga, Cortland, Ontario, Wayne and Yates.

*Twenty-ninth district.*—The counties of Chemung, Schuyler, Seneca and Steuben.

*Thirtieth district.*—The counties of Genesee, Livingston, Niagara, Orleans and Wyoming.

*Thirty-first district.*—The county of Mouroe.

*Thirty-second district.*—The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, nineteenth and twentieth wards of the city of Buffalo.

*Thirty-third district.*—The fifteenth, sixteenth, seventeenth, eighteenth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards of the city of Buffalo, and the fourth and fifth assembly districts of the county of Erie.

*Thirty-fourth district.*—The counties of Allegany, Cattaraugus and Chautauqua.

### JUDICIAL DISTRICTS.

The state is divided into eight judicial districts, numbered and composed of the territory, respectively, as follows:

*First.*—The city of New York.

*Second.*—The counties of Richmond, Suffolk, Queens, Kings, Westchester, Orange, Rockland, Putnam and Dutchess.

*Third.*—The counties of Columbia, Sullivan, Ulster, Greene, Albany, Schoharie and Rensselaer.

*Fourth.*—The counties of Warren, Saratoga, Washington, Essex, Franklin, Saint Lawrence, Clinton, Montgomery, Hamilton, Fulton and Schenectady.

*Fifth.*—The counties of Onondaga, Oswego, Oneida, Herkimer, Jefferson and Lewis.

*Sixth.*—The counties of Otsego, Delaware, Madison, Chenango, Broome, Tioga, Chemung, Tompkins, Cortland and Schuyler.

*Seventh.*—The counties of Livingston, Wayne, Seneca, Yates, Ontario, Steuben, Monroe and Cayuga.

*Eighth.*—The counties of Erie, Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming.

### SCHOOL COMMISSIONER DISTRICTS.

The districts as organized in the different counties on the first day of January, 1889, are as follows:

#### ALBANY COUNTY.

*First district.*—Towns of Bethlehem, Coeymans and New Scotland.

*Second district.*—Towns of Berne, Rensselaerville and Westerlo.

*Third district.*—Towns of Guilderland, Knox and Waterliet.

The city of Albany is organized under a special school act.

The city of Cohoes is organized under a special school act.

#### ALLEGANY COUNTY.

*First district.*—Towns of Allen, Almond, Angelica, Belfast, Birdsall, Burns, Caneadea, Centreville, Granger, Grove, Hume, New Hudson, Rushford and West Almond.

*Second district.*—Towns of Alfred, Alma, Amity, Andover, Bolivar, Clarksville, Cuba, Friendship, Genesee, Independence, Scio, Ward, Wellsville, Willing and Wirt.

#### BROOME COUNTY.

*First district.*—Towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford and Windsor.

*Second district.*—Towns of Barker, Binghamton, Lisle, Maine, Nanticoke, Triangle, Union and Vestal.

The city of Binghamton is organized under a special school act.

#### CATTARAUGUS COUNTY.

*First district.*—Towns of Allegany, Ashford, Ellicottville, Farmersville, Franklinville, Freedom, Hinsdale, Humphrey, Ischua, Lyndon, Machias, Olean, Portville and Yorkshire.

*Second district.*—Towns of Carrollton, Coldspring, Conewango, Dayton, East Otto, Elko, Great Valley, Leon, Little Valley, Mansfield, Napoli, New Albion, Otto, Perrysburgh, Persia, Randolph, Red House, Salamanca and South Valley.

#### CAYUGA COUNTY.

*First district.*—Towns of Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling, Throop and Victory.

*Second district.*—Towns of Aurelius, Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Sempronius, Summer Hill, Springport and Venice.

The city of Auburn is organized under a special school act.

#### CHAUTAUQUA COUNTY.

*First district.*—Towns of Busti, Chautauqua, Clymer, French Creek, Harmony, Mina and Sherman.

*Second district.*—Towns of Arkwright, Hanover, Pomfret, Portland, Ripley, Sheridan, Villanova and West Field.

*Third district.*—Towns of Carroll, Charlotte, Cherry Creek, Ellery, Ellicott, Ellington, Gerry, Kiantone, Poland and Stockton.

The city of Dunkirk is organized under a special school act.

The city of Jamestown is organized under a special school act.

#### CHEMUNG COUNTY.

Comprises a single district.

The city of Elmira is organized under a special school act.

#### CHEMANGO COUNTY.

*First district.*—Towns of Columbus, Lincklaen, New Berlin, North Norwich, Norwich, Otselic, Pharsalia, Pitcher, Plymouth, Sherburne and Smyrna.

*Second district.*—Towns of Afton, Bainbridge, Coventry, Greene, German, Guilford, McDonough, Oxford, Preston and Smithville.

#### CLINTON COUNTY.

*First district.*—Towns of Ausable, Black Brook, Dannemora, Peru, Plattsburgh, Saranac and Schuyler Falls.

*Second district.*—Towns of Altoona, Beekmantown, Champlain, Chazy, Clinton, Ellenburgh and Mooers.

#### COLUMBIA COUNTY.

*First district.*—Towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Greenport, Livingston and Taghkanic.

*Second district.*—Towns of Austerlitz, Canaan, Chatham, Ghent, Hillsdale, Kinderhook, New Lebanon, Stockport and Stuyvesant.

The city of Hudson is organized under a special school act.

#### CORTLAND COUNTY.

*First district.*—Towns of Cincinnatus, Cortlandville, Freetown, Harford, Lapeer, Marathon, Virgil and Willett.

*Second district.*—Towns of Oyler, Homer, Preble, Scott, Solon, Taylor and Truxton.

#### DELAWARE COUNTY.

*First district.*—Towns of Colchester, Deposit, Franklin, Hamden, Hancock, Masonville, Sydney, Tompkins and Walton.

*Second district.*—Towns of Andes, Bovina, Davenport, Delhi, Harpersfield, Kortright, Meredith, Middletown, Roxbury and Stamford.

## DUTCHESS COUNTY.

*First district.*—Towns of Amenia, Beekman, Dover, East Fishkill, Fishkill, LaGrange, Northeast, Pawling, Pine Plains, Stanford, Union Vale, Wappinger and Washington.

*Second district.*—Towns of Clinton, Hyde Park, Milan, Pleasant Valley, Poughkeepsie, Redhook and Rhinebeck.

The city of Poughkeepsie is organized under a special school act.

## ERIE COUNTY.

*First district.*—Towns of Alden, Amherst, Cheektowaga, Clarence, Grand Island, Lancaster, Newstead and Tonawanda.

*Second district.*—Towns of Aurora, East Hamburg, Eden, Elma, Evans, Hamburg, Marilla, Wales and West Seneca.

*Third district.*—Towns of Boston, Brant, Colden, Concord, Collins, Holland, North Collins and Sardinia.

The city of Buffalo is organized under a special school act.

## ESSEX COUNTY.

*First district.*—Towns of Chesterfield, Elizabethtown, Essex, Jay, Keene, Lewis, North Elba, St. Armand, Willsborough and Wilmington.

*Second district.*—Towns of Crown Point, Minerva, Moriah, Newcomb, North Hudson, Schroon, Ticonderoga and Westport.

## FRANKLIN COUNTY.

*First district.*—Towns of Bellmont, Brighton, Burke, Chateaugay, Duane, Franklin, Harrietstown and Malone.

*Second district.*—Towns of Altamont, Bangor, Bombay, Brandon, Constable, Dickinson, Fort Covington, Moira, Waverly and Westville.

## FULTON COUNTY.

Comprises a single district, excluding Gloversville.

The city of Gloversville is organized under a special school act.

## GENESEE COUNTY.

Comprises a single district.

## GREENE COUNTY.

*First district.*—Towns of Athens, Cairo, Catskill, Halcott, Hunter, Jewett and Lexington.

*Second district.*—Towns of Ashland, Coxsackie, Durham, Greenville, New Baltimore, Prattsville and Windham.

## HAMILTON COUNTY.

Comprises a single district.

## HERKIMER COUNTY.

*First district.*—Towns of Fairfield, Herkimer, Little Falls, Manheim, Newport, Norway, Ohio, Russia, Salisbury and Wilmurt.

*Second district.*—Towns of Columbia, Danube, Frankfort, German Flats, Litchfield, Schuyler, Stark, Warren and Winfield.

## JEFFERSON COUNTY.

*First district.*—Towns of Adams, Brownville, Ellisburgh, Henderson, Hounsfield, Lorraine, Rodman and Worth.

*Second district.*—Towns of Antwerp, Champion, Le Ray, Philadelphia, Rutland, Watertown and Wilna.

*Third district.*—Towns of Alexandria, Cape Vincent, Clayton, Lyme, Orleans, Pamela and Theresa.

The city of Watertown is organized under a special school act.

## KINGS COUNTY.

Comprises a single district, excluding the city of Brooklyn.

The city of Brooklyn is organized under a special school act.

## LEWIS COUNTY.

*First district.*—Towns of Greig, High Market, Lewis, Leyden, Lyonsdale, Martinsburgh, Osceola, Turin and West Turin.

*Second district.*—Towns of Croghan, Denmark, Diana, Harrisburgh, Lowville, Montague, New Bremen, Pinckney and Watson.

## LIVINGSTON COUNTY.

*First district.*—Towns of Avon, Caledonia, Conesus, Geneseo, Groveland, Leicester, Lima, Livonia and York.

*Second district.*—Towns of Mount Morris, North Dansville, Nunda, Ossian, Portage, Sparta, Springwater and West Sparta.

## MADISON COUNTY.

*First district.*—Towns of Brookfield, De Ruyter, Eaton, Georgetown, Hamilton, Lebanon, Madison and Nelson.

*Second district.*—Towns of Cazenovia, Fenner, Lenox, Smithfield, Stockbridge and Sullivan.

## MONROE COUNTY.

*First district.*—Towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perrinton, Pittsford, Rush and Webster.



*Second district.*—Towns of Clarkson, Chili, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland.

The city of Rochester is organized under a special school act.

#### MONTGOMERY COUNTY.

Comprises a single district.

#### NEW YORK.

New York city is organized under a special school act.

#### NIAGARA COUNTY.

*First district.*—Towns of Cambria, Lockport, Pendleton, Royalton, and Wheatfield.

*Second district.*—Towns of Hartland, Lewiston, Newfane, Niagara, Porter, Somerset and Wilson.

The city of Lockport is organized under a special school act.

The city of Niagara Falls is organized under a special school act.

#### ONEIDA COUNTY.

*First district.*—Towns of Deerfield, Floyd, Marcy, New Hartford and Whitestown.

*Second district.*—Towns of Augusta, Bridgewater, Kirkland, Marshall, Paris, Sangerfield, Vernon and Westmoreland.

*Third district.*—Towns of Camden, Florence, Verona, and Vienna.

*Fourth district.*—Towns of Annsville, Ava, Boonville, Forestport, Lee, Remsen, Steuben, Trenton and Western.

The city of Utica is organized under a special school act.

The city of Rome is organized under a special school act.

#### ONONDAGA COUNTY.

*First district.*—Towns of Camillus, Clay, Elbridge, Lysander, Salina and Van Buren.

*Second district.*—Towns of Geddes, Marcellus, Onondaga, Otisco, Skaneateles, Spafford and Tully.

*Third district.*—Towns of Cicero, De Witt, Fabius, Lafayette, Manlius and Pompey.

The city of Syracuse is organized under a special school act.

#### ONTARIO COUNTY.

*First district.*—Towns of Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps and Seneca.

*Second district.*—Towns of Bristol, Canadice, Canandaigua, East Bloomfield, Naples, Richmond, South Bristol, Victor and West Bloomfield.

ORANGE COUNTY.

*First district.*—Towns of Blooming Grove, Cornwall, Highlands, Munroe, Montgomery, Newburgh, New Windsor, Tuxedo and Woodbury.

*Second district.*—Towns of Chester, Crawford, Deerpark, Goshen, Greenville, Hamptonburgh, Minisink, Mount Hope, Wallkill, Warwick and Waywayanda.

The city of Newburgh is organized under a special school act.

The city of Middletown is organized under a special school act.

ORLEANS COUNTY.

Comprises a single district.

OSWEGO COUNTY.

*First district.*—Towns of Granby, Hannibal, New Haven, Oswego, Scriba and Volney.

*Second district.*—Towns of Amboy, Constantia, Hastings, Palermo, Parish, Schroepfel and West Monroe.

*Third district.*—Towns of Albion, Boylston, Mexico, Orwell, Redfield, Richland, Sandy Creek and Williams-town.

The city of Oswego is organized under a special school act.

OTSEGO COUNTY.

*First district.*—Towns of Cherry Valley, Decatur, Exeter, Maryland, Middlefield, Otsego, Plainfield, Richfield, Roseboom, Springfield, Westford and Worcester.

*Second district.*—Towns of Burlington, Butternuts, Edmeston, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otego, Pittsfield and Unadilla.

PUTNAM COUNTY.

Comprises a single district.

QUEENS COUNTY.

*First district.*—Towns of Flushing, North Hempstead and Oyster Bay.

*Second district.*—Towns of Hempstead, Jamaica and Newtown.

The city of Long Island City is organized under a special school act.

RENSSELAER COUNTY.

*First district.*—Towns of Brunswick, Grafton, Hoosick, Lansingburgh, Petersburg, Pittstown and Schaghticoke.

*Second district.*—Towns of Berlin, East Greenbush,

Greenbush, Nassau, North Greenbush, Poestenkill, Sand-lake, Schodack and Stephentown.

The city of Troy is organized under a special school act.

RICHMOND COUNTY.

Comprises a single district.

ROCKLAND COUNTY.

Comprises a single district.

ST. LAWRENCE COUNTY.

*First district.*—Towns of DeKalb, DePeyster, Fine, Fowler, Gouverneur, Hammond, Macomb, Morristown, Oswegatchie, Pitcairn and Rossie.

*Second district.*—Towns of Canton, Clare, Clifton, Colton, Edwards, Hermon, Lisbon, Madrid, Norfolk, Pierrepont, Russell and Waddington.

*Third district.*—Towns of Brasher, Hopkinton, Lawrence, Louisville, Massena, Parishville, Potsdam and Stockholm.

The city of Ogdensburgh is organized under a special school act.

SARATOGA COUNTY.

*First district.*—Towns of Ballston, Charlton, Clifton Park, Galway, Halfmoon, Malta, Milton, Providence, Stillwater and Waterford.

*Second district.*—Towns of Corinth, Day, Edinburgh, Greenfield, Hadley, Moreau, Northumberland, Saratoga, Saratoga Springs and Wilton.

SCHENECTADY COUNTY.

Towns, exclusive of city, compose one district.

The city of Schenectady is organized under a special school act.

SCHOHARIE COUNTY.

*First district.*—Towns of Broome, Blenheim, Conesville, Esperance, Gilboa, Middleburgh, Schoharie and Wright.

*Second district.*—Towns of Carlisle, Cobleskill, Fulton, Jefferson, Richmondville, Seward, Sharon and Summit.

SCHUYLER COUNTY.

Comprises a single district.

SENECA COUNTY.

Comprises a single district.

## STECBEN COUNTY.

*First district.*—Towns of Avoca, Bath, Bradford, Campbell, Cohocton, Prattsburgh, Pultney, Urbana, Wayland, Wayne and Wheeler.

*Second district.*—Towns of Addison, Cameron, Canton, Corning, Erwin, Hornby, Lindley, Rathbone, Thurston, Tuscarora and Woodhull.

*Third district.*—Towns of Dansville, Fremont, Howard, Canisteo, Greenwood, Hartsville, Hornellsville, Jasper, Troupsburgh and West Union.

## SUFFOLK COUNTY.

*First district.*—Towns of Easthampton, Riverhead, Southampton, Southold and Shelter Island.

*Second district.*—Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown.

## SULLIVAN COUNTY.

*First district.*—Towns of Bethel, Cohocton, Delaware, Forestburgh, Highland, Lumberland, Mamakating, Thompson and Tusten.

*Second district.*—Towns of Callicoon, Fallsburgh, Fremont, Liberty, Neversink and Rockland.

## TIOGA COUNTY.

Comprises a single district.

## TOMPKINS COUNTY.

*First district.*—Towns of Danby, Enfield, Ithaca, Newfield and Ulysses.

*Second district.*—Towns of Caroline, Dryden, Groton and Lansing.

The city of Ithaca is organized under a special school act.

## ULSTER COUNTY.

*First district.*—Towns of Hurley, Kingston, Kingston City, Saugerties and Ulster.

*Second district.*—Towns of Esopus, Gardner, Lloyd, Marletown, Marlborough, New Paltz, Plattekill, Rosendale and Shawangunk.

*Third district.*—Towns of Denning, Hardenburgh, Olive, Rochester, Shandakin, Wawarsing and Woodstock.

## WARREN COUNTY.

Comprises a single district.

## WASHINGTON COUNTY.

*First district.*—Towns of Argyle, Cambridge, Easton, Fort Edward, Greenwich, Jackson, Salem and White Creek.

*Second district.*—Towns of Dresden, Fort Ann, Granville, Hampton, Hartford, Hebron, Kingsbury, Putnam and Whitehall.

## WAYNE COUNTY.

*First district.*—Towns of Butler, Galen, Huron, Lyons, Rose, Savannah, Sodus and Wolcott.

*Second district.*—Towns of Arcadia, Macedon, Marion, Ontario, Palmyra, Walworth and Williamson.

## WESTCHESTER COUNTY.

*First district.*—Towns of East Chester, Mamaroneck, New Rochelle, Pelham, Rye, Scarsdale and Westchester.

*Second district.*—Towns of Greenburgh, Harrison, Mount Pleasant, North Castle, Ossining and White Plains.

*Third district.*—Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Salem, Poundridge, Somers and Yorktown.

The city of Yonkers is organized under a special school act.

## WYOMING COUNTY.

*First district.*—Towns of Attica, Bennington, Covington, Middlebury, Orangeville, Perry, Sheldon and Warsaw.

*Second district.*—Towns of Arcade, Castile, Eagle, Genesee Falls, Gainesville, Java, Pike and Wethersfield.

## YATES COUNTY.

Comprises a single district.

# VOTERS,

## THEIR QUALIFICATIONS, PRIVILEGES AND DISABILITIES.

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### Vote, right to, not to be denied.

“The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude. The congress shall have power to enforce this article by appropriate legislation.” (§§ 1, 2, art. 15, *amendment to United States Constitution.*)

Race, color,  
etc., not to  
affect right.

### Vote, who entitled to.

“Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. (§ 1, art. 2, *State Constitution, as amended in 1874.*)

Vote, who  
entitled to.

Absence in  
army not to  
preclude  
right.

**Right of deserters to vote.**

Right to  
vote, unless  
convicted.

“Deserters from the military and naval service have a right to vote unless convicted thereof by a competent court.” (*Opinion of Attorney-General.*)

**Right to vote while engaged in voting at close of polls.**

Right to  
vote at  
close of  
polls.

“A voter who has received his ballots and is properly engaged in the preparation of the same at the time of the closing of the polls is entitled to vote.” (*Opinion of Attorney-General.*)

**Qualifications of voters.**

Qualifica-  
tions for  
registry.

“A person is a qualified voter in any election district for the purpose of having his name placed on such list, if he is at the time qualified to vote at the election for which such registry is made, or may become so qualified on or before the day upon which such election is to be held.” (§ 31, *Election Law*, chap. 680, *Laws* 1892.)

Voter, when  
of age.

“A person otherwise qualified whose twenty-first birthday is on the day succeeding election is entitled to vote.” (*Opinion of Attorney-General.*)

**Disfranchisement of voter by irregular acts of inspectors.**

Irregulari-  
ties of in-  
spectors not  
to disfran-  
chise.

“The voters of an election district are not to be disfranchised by reason of irregularities in the conduct of inspectors, which do not affect the result of the vote.” (*Opinion of Attorney-General.*)

**Allowance of time for employes to vote.**

Employes  
entitled to  
absence for  
voting.

“Any person entitled to vote at a general election held within this state, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours,

while the polls of such election are open. If such voter shall notify his employer, before the day of such election, of such intended absence, and if thereupon two consecutive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer, upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer, by reason of such absence." (§ 113, *Election Law, chap. 680, Laws 1892.*)

No deduction from salary, etc.

#### **Refusal to permit employes to attend elections.**

"A person or corporation who refuses to an employe entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employe to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor." (§ 41f, *Penal Code.*)

Penalty for refusing absence, etc.

#### **Persons excluded from the right of suffrages, etc.**

"No person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become

Persons receiving or promising reward, etc., not to vote.

Bets or wagers.

Oath when challenged.



Laws excluding person from right of suffrage.

directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime." (§ 2, art. 2, *State Constitution, as amended in 1874.*)

#### Disqualification of voters convicted of bribery or infamous crime.

Persons convicted not to vote unless pardoned, etc.

"No person convicted of bribery, or of an infamous crime punishable by imprisonment in a state prison, shall vote at an election or town meeting, unless sentenced upon such conviction to a reformatory, or unless he shall have been pardoned before or after the expiration of his term of imprisonment, and restored by the pardon to all the rights of a citizen." (§ 30, *Election Law, chap. 680, Laws 1892.*)

#### Pardon and restoration.

Power of governor to pardon, etc.

The governor has the exclusive power of pardoning and restoring to the rights of a citizen criminals convicted in the courts of this state. (*See § 5, art. 4, State Constitution.*)

#### Voting after conviction of infamous crime.

Penalty for voting after conviction of infamous crime.

"Any person who has been convicted of an infamous crime and has been sentenced or committed therefor to a state prison or penitentiary, who votes at any election unless he shall have been pardoned and restored to all the rights of a citizen, is guilty of a misdemeanor." (§ 417, *Penal Code.*)

#### Disabilities of persons removed.

Persons sent to reformatories etc., not disfranchised.

"The disqualification to testify created by section twenty-three (original number) of title seven, chapter first of part fourth of the Revised Statutes, and the prohibition to vote at any election contained in section fifteen of chapter two hundred and forty of the Laws of eighteen hundred and forty-seven, shall not apply to a person heretofore convicted, or hereafter to be convicted, of felony, or of any infamous crime, and in consequence thereof committed to one

of the houses of refuge or other reformatories organized under the laws of this state." (*Chap. 113, 1872, entitled "An act to relieve juvenile delinquents from certain disqualifications."*)

### Voting residence.

"For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, at public expense; nor while confined in any public prison." (§ 3, art. 2, *State Constitution.*)

Residence, when not deemed gained or lost.

### Voting residence of government employes.

"The voting residence of a person is largely a question of intention.

Not changed by engaging in services of government

A residence is not changed by engaging in the service of the government." (*Opinion of Attorney-General.*)

### Voting residence—matter of intention.

The question of the place of residence of a voter is largely a matter of intention

Question of residence a matter of intention.

As a general proposition, it may be stated that the residence required by the constitution is a place which a person has fixed as a habitation without any present intention of removing therefrom. A residence, once acquired, continues to be the residence of a person until such person absents himself therefrom and locates at another place with the intention of there remaining. Temporary absence, with the purpose of returning, does not effect a change of residence. (*Opinion of Attorney-General.*)

### Residence, what deemed to be for the purpose of voting, and how not lost or acquired.

"A residence is 'the place of abode,' 'the place in which one usually has his home.' To reside in a particular *election district* and county is for one to have his home usually and

Residence defined.

When not  
deemed  
gained or  
lost.

at the time of election in such *election district*. A person, in order to entitle him to vote, must, as before stated, be a resident of such election district thirty days, of the county four months, and of the state one year, and 'for the purpose of voting' it is by our constitution provided that 'no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison.'

Change of  
residence.

If an elector *change* his residence from one election district to another, in the same county, within thirty days previous to a general or special election, he thereby loses the right of voting at such election. If he remove within thirty days of a town or city election, from one town to another, in the same county, or from one ward to another, in the same city (or from one election district to another, in the same city, or from one election district of a town having election districts for town meeting to another election district in the same town), he thereby loses the right of voting at such election, for town, ward or city officers.

Cannot vote  
only in elec-  
tion district.

It must be borne in mind that *no person can* (as is sometimes erroneously believed) vote for governor or any other officer, except in *the election district* of his actual residence." (*Election Code by Secretary of State.*)

### Manner of voting.

Manner of  
voting.

Section five of article two of the Constitution provides that: "All elections by the citizens shall be by ballot, except for such town officers as may, by law, be directed to be otherwise chosen." The particular manner of voting prescribed by law will be found on page 109.

### Voting by an inhabitant of another state or country.

Penalty.

"Any inhabitant of another state or country who votes or offers to vote at an election or town meeting in this state, is guilty of a felony." (§ 41m, *Penal Code.*)

**Failure of house-dweller to answer inquiries.**

“Any person dwelling in a building in a city who willfully refuses to truly answer any question asked by any elector of such city, between the first meeting of the boards of registry therein for any election and the closing of the polls at such election, relating to the residence and qualifications as a voter of any person dwelling in such building, or of any person who appears upon the list or register of voters made by a board of registry as residing at such building, is guilty of a misdemeanor.” (§ 41*d*, *Penal Code*.)

Penalty for refusing information as to voter.

**Furnishing money or entertainment to induce attendance at polls.**

“Any person who, with the intent to promote the election of a person to an elective office :

1. Furnishes entertainment to the electors before or during an election or town meeting at which such person is a candidate ; or
2. Pays for, procures, or engages to pay for such entertainment ; or
3. Furnishes money or other property, or engages to compensate any person for procuring the attendance of voters at the polls of such election or town meeting ; or
4. Contributes money for any other purpose than the printing and circulating of hand bills, books and other papers previous to an election or town meeting, or conveying such poor or infirm electors to the polls, is guilty of a misdemeanor.

Furnishing entertainment.

Furnishing or contributing money.

Misdemeanor.

(§ 410, *Penal Code*.)

**Giving considerations for franchise.**

Any person who directly or indirectly, by himself or through any other person :

Bribery of voters.

1. Pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons,

or for or against any particular proposition submitted to voters, or to induce such voter to come to the polls or remain away from the polls at such election, or to induce such voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for or against any particular person or for or against any proposition submitted to voters or having come to the polls or remained away from the polls at such election, or having placed or caused to be placed or refrained from placing or causing to be placed his name upon the registry of voters; or

2. Gives, offers or promises any office, place or employment, or promises to procure or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election; or to induce any voter to vote or refrain from voting at such election, for or against any particular person or persons, or for or against any proposition submitted to voters, or to induce any voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters; or

3. Gives, offers or promises any office, place, employment or valuable thing as an inducement for any voter or other person to procure or aid in procuring either a large or a small vote, plurality or majority at any election district, or other political division of the state, for a candidate or candidates to be voted for at an election; or to cause a larger or smaller vote, plurality or majority to be cast or given for any candidate or candidates in one such district or political division than in another; or

4. Makes any gift, loan, promise, offer, procurement or agreement as aforesaid to, for or with any person to induce such person to procure or endeavor to procure the election of any person or the vote of any voter at any election; or

5. Procures or engages, or promises or endeavors to procure, in consequence of any such gift, loan, offer, promise,

procurement or agreement, the election of any person, or the vote of any voter, at such election; or

6. Advances or pays, or causes to be paid, any money or other valuable thing, to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election, or knowingly pays or causes to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part expended in bribery at any election, is guilty of an infamous crime punishable by imprisonment for not less than three months nor more than one year, and in addition forfeits any office to which he may have been elected at the election with reference to which such offense was committed, and becomes incapable of holding any public office under the constitution and laws of this state for a period of five years after such conviction. (§ 41*p*, *Penal Code*.)

#### **Receiving consideration for franchise.**

Any person who, directly or indirectly, by himself or through any other person:

1. Receives, agrees or contracts for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from registering as a voter, or for refraining or agreeing to refrain from voting or for voting or for agreeing to vote, or for refraining or agreeing to refrain from voting for or against any particular person or persons at any election, or for or against any proposition submitted to voters at such election; or

2. Receives any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such an election, or having registered or refrained from registering as a voter, or on account of himself or any other person

having voted or refrained from voting for or against any particular person at such election, or for or against any proposition submitted to voters at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or having registered or refrained from registering as a voter, or on account of having induced any other person to vote or refrain from voting for or against any particular person or persons at such election or for or against any proposition submitted to voters at such election, is guilty of an infamous crime, punishable by imprisonment for not less than three months nor more than one year, and in addition shall be excluded from the right of suffrage for five years after such conviction; and the county clerk of the county in which such person is convicted shall transmit a certified copy of the record of conviction to the clerk of each county of the state, within ten days thereafter, which copy shall be filed in his office by each of such clerks. (§ 41g, *Penal Code*.)

**Testimony upon prosecution.**

“A person offending against any provision of section forty-one-q or of section forty-one-r of this code is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or proceeding or investigation in the same manner as any other person. The testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.” (§ 41r, *Penal Code*.)

**Bribery or intimidation of elector in military service of the United States.**

“Any person who, directly or indirectly, by bribery, menace or other corrupt means, controls or attempts to control an elector of this state enlisted in the military service of the

United States, in the exercise of his rights under the election law, or annoys, injures or punishes him for the manner in which he exercised such right, is guilty of a misdemeanor for which he may be tried at any future time when he may be found within this state; and upon conviction thereof shall thereafter be ineligible to any office therein." (§ 41a, *Penal Code*.)

#### Duress and intimidation of voters.

Any person or corporation who directly or indirectly :

1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at any election or to vote or refrain from voting for or against any particular person or persons or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election, or having registered or refrained from registering as a voter; or

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or

3. Being an employer, pays his employe the salary or wages due in "pay envelopes," upon which there is written or printed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of a general election puts or other-



wise exhibits in the establishment or place where his employes are engaged in labor, any hand bill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employes, is guilty of a misdemeanor, and if a corporation shall in addition forfeit its charter. (§ 41*t*, *Penal Code*.)

#### Political assessments.

“Any person who,

1. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly uses his authority or official influence to compel or induce any other officer or employe of the state or a political subdivision thereof, to pay or promise to pay any political assessments; or,

2. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly, gives, pays or hands over to any other such officer or employe any money or other valuable thing on account of or to be applied to the promotion of his election, appointment or retention in office, or makes any promise, or gives any subscription to such officer or employe to pay or contribute any money or other valuable thing for any such purpose or object; or

3. Being such an officer or employe and having charge or control of any building, office or room occupied for any purpose of the state or of a political subdivision thereof, consents that any person enter the same for the purpose of making, collecting, receiving or giving notice of any political assessment; or

4. Enters or remains in any such office, building or room, or sends or directs any letter or other writing thereto, for the purpose of giving notice of demanding or collecting, or being therein, gives notice of, demands, collects or receives, any political assessment;

5. Prepares or makes out, or takes any part in preparing or making out, any political assessment, subscription or contribution, with the intent that the same shall be sent or presented to or collected of any such officer or employe; or

6. Sends or presents any political assessment, subscription, or contribution to, or requests its payment of, any such officer or employe, is guilty of a misdemeanor." (§ 41 v, *Penal Code*.)

**Corrupt use of position or authority.**

"Any person who,

1. While holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public appointment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer or party or upon any other corrupt condition or consideration; or

2. Being a public officer or employe of the state or a political subdivision having, or claiming to have, any authority or influence affecting the nomination, public employment, confirmation, promotion, removal, or increase or decrease of salary of any public officer or employe, or promises or threatens to use, any such authority or influence, directly or indirectly to affect the vote or political action of any such public officer or employe, or on account of the vote or political action of such officer or employe; or

3. Makes, tenders or offers to procure, or cause any nomination or appointment for any public office or place, or accepts or requests any such nomination or appointment, upon the payment or contribution of any valuable consideration, or upon an understanding or promise thereof, or

4. Makes any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or for receiving or retaining any such office or position, or promotion, privilege, increase of salary or compensation therein, or exemption from removal or discharge therefrom, is punishable by imprisonment for not more than two years or by a fine of not more than three thousand dollars or both." (§ 41w, *Penal Code*.)

#### Illegal voting.

"Any person who,

1. Knowingly votes or offers to vote at any town meeting when not qualified ; or,

2. Procures, aids, assists, counsels or advises any person to go or come into any town, ward or election district, for the purpose of voting at any election or town meeting, knowing that such person is not qualified ; or,

3. Votes or offers to vote at an election or town meeting more than once ; or votes or offers to vote at an election or town meeting under any other name than his own ; or votes or offers to vote at an election or town meeting in an election district or place where he does not reside ; or,

4. Procures, aids, assists, commands or advises another to vote or offer to vote at an election or town meeting, knowing that such person is not qualified to vote thereat ; or,

5. Being an inhabitant of another state or country, votes or offers to vote at an election or town meeting in this state, is guilty of felony, punishable by imprisonment in a state prison not less than two nor more than five years." (§ 41m, *Penal Code*, as amended by chap. 282, *Laws* 1894.)

# CITIZENSHIP.

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## Citizens, who are.

“All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.” (*U. S. R. S.*, 2d ed., § 1992, *tit.* 25.) Citizens, who are

## Citizens, who are.

“All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were and may be, at the time of this birth, citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.” (§ 1993, *same tit.*) Id.

## Citizens, who are.

“All persons born in the district or country formerly known as the Territory of Oregon and subject to the jurisdiction of the United States, on the eighteenth May, eighteen hundred and seventy-two, are citizens in the same manner as if born elsewhere in the United States.” (*U. S. R. S.*, 2d ed., § 1995, *tit.* 25.) Id.

## Citizens, when married women are.

“Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.” (§ 1994, *same tit.*) [*See, also, § 2168 of tit. 30, U. S. R. S.*, 2d ed., *as to widows and children of aliens, who have complied with the first condition of § 2106 of said R. S.*] Married women, when citizens.

## Deserters incapable of holding office under the United States, or exercising any right of citizenship.

“All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the president, dated the eleventh Deserters, deprived of citizenship, etc.

day of March, eighteen hundred and sixty-five, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any right of citizens thereof." (§ 1996, *same tit.*)

**Faithful service until April 19, 1865, deemed to work removal of disability under preceding section.**

Certain soldiers and sailors not to incur forfeitures.

"No soldier or sailor, however, who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the army or navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office in consequence of his desertion." (§ 1997, *same tit.*)

**Desertion hereafter to work loss of citizenship.**

Desertion and avoidance of draft.

"Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six." *U. S. R. S., 2d ed., § 1998, tit. 25.*

**Rights of expatriation maintained.**

Rights of expatriation maintained.

Whereas the right of expatriation is a natural and inherent right of all people indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness; and whereas in the recognition of this principle, this government has freely received emigrants from all nations and invested them with the rights of citizenship; and whereas it is claimed that such American citizens with their descendants are subjects of foreign states, owing allegiance to the governments

thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed. Therefore any declaration, instruction, opinion, order or decision of any officer of the United States which denies, restricts, impairs or questions the right of expatriation is declared inconsistent with the fundamental principles of the republic.

#### **Voters to be ascertained.**

“Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.” (§ 4, *art. 2, State Constitution.*) Laws to be made.

#### **Citizenship of persons born in the United States.**

“Persons born in the United States, although of alien parentage, are citizens of the United States.” (*Opinion of Attorney-General.*) Alien parentage.

#### **Citizenship of foreign-born child of a mother who is a citizen.**

“The child born in a foreign country of a mother who is a citizen of the United States is not himself a citizen by reason of his mother’s citizenship.” (*Opinion of Attorney-General.*) Children born abroad

#### **Citizenship of children born abroad of American parents—Expatriation.**

“Children born abroad of American parents are American citizens.” Children born abroad

The right of expatriation is recognized by law.” (*Opinion of Attorney-General.*)



# NATURALIZATION.

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## Aliens, how naturalized.

An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise :

Aliens, how  
naturalized.

1. He shall declare on oath, before a circuit or district court of the United States or a district or supreme court of the Territories, or a court of record of any of the States having common law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, State or sovereignty of which the alien may be at the time a citizen or subject.

Declaration  
of intention.

2. He shall at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and adjures all allegiance and fidelity to every foreign prince, potentate, state or sovereignty ; and particularly, by name, to the prince, potentate, state or sovereignty of which he was before a citizen or subject ; which proceedings shall be recorded by the clerk of the court.

Oath to sup-  
port consti-  
tution.

3. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same ; but the oath of the applicant shall in no case be allowed to prove his residence.

Residence,  
moral char-  
acter, etc.

4. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of

Titles of  
nobility  
to be  
renounced.



nobility in the kingdom or state from which he came he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Residence  
in U. S. be-  
fore Jan. 29,  
1795.

5. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application within the State or Territory, where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and adjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly by name to the prince potentate, state or sovereignty whereof he was before a citizen or subject; and also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Residence  
in U. S. be-  
tween June  
18, 1798, and  
June 18,  
1812.

6. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person without a certifi-

cate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. (Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts made in said section." (*U. S. R. S.*, 2d ed., 2165, tit. 30.)

Declaration  
of intention,  
before  
whom  
made.

Validity of  
previous  
declara-  
tions.

#### **Aliens honorably discharged from the military service.**

"Any alien of the age of twenty-one years and upwards, who has enlisted, or may enlist, in the armies of the United States, either the regular or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one

Aliens hon-  
orably dis-  
charged  
from mil-  
itary service.

year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States." (*U. S. R. S.*, 2d ed., § 2166, *tit.* 30.)

**Certain persons arriving in their minority may be naturalized.**

Persons arriving in their minority.

"Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare on oath, and prove to the satisfaction of the court, that for two years next preceding it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization." (*U. S. R. S.*, 2d ed., § 2167, *tit.* 30.)

**Aliens of African nativity.**

Persons of African descent.

"The provisions of this title shall apply to aliens of African nativity and to persons of African descent." (§ 2169, *same tit.*)

**Uninterrupted residence.**

Uninterrupted residence.

"No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States." (§ 2170, *same tit.*) [*For provisions respecting an alien whose country is at war with the United States at the time of his application to become a citizen, see § 2171 of the U. S. R. S.*]

**Minor children of persons naturalized.**

“The children of persons who have been duly naturalized Minor children. under the law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.” (*U. S. R. S.*, 2d ed., § 2172, *tit.* 30.)

**When seamen, being foreigners, may become citizens.**

“Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of declaration of his intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.” (§ 2174, *same tit.*) Seaman, when may become citizens.

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**Procuring fraudulent certificates of naturalization in order to vote.**

“Any person who knowingly and willfully procures from any court, judge, clerk or other officer, a certificate of naturalization, which has been allowed, issued, signed or sealed in violation of the laws of the United States or of this state, with intent to enable himself or any other person to vote at any election, when he or such person is not entitled by the laws of the United States to become a citizen or to exercise the elective franchise, is guilty of a felony.” (§ 412, *Penal Code*.)

**Instructions concerning naturalization.**

The applicant must have resided in the United States, for the continued term of five years next preceding his admission, and one year at least within the State or Territory where the court is held that admits him. Two years at least before his admission he must declare, on oath, or affirmation, before a court of record having common-law jurisdiction, and a seal and clerk, or before a circuit or district court of the United States, his intention to become a citizen, etc. If the applicant was a minor, under the age of eighteen years when he came to the country, this previous declaration of intention is dispensed with, and he is entitled to be admitted after he has arrived at the age of twenty-one years, if he has resided five years in the United States, including the three years of his minority, and has continued to so reside up to the time when he makes his application. By act of congress, approved July seventeen, eighteen hundred and sixty-two, aliens of the age of twenty-one years and upward, who have enlisted in the armies of the United States, in the regular or volunteer forces, and have been honorably discharged, are entitled to become citizens of the United States upon petition, without previous declaration of intention. Aliens, under such circumstances, are not required to prove more than one year's residence within the United States. This act materially alters the previous laws, but does not in any manner do away with the necessity of procuring regular naturalization papers. By act of congress June seven, eighteen hundred and seventy-two, seamen of foreign birth, who have declared intention to become citizens may be naturalized after three years' service on merchant ships.

# Comparative Vote for Governor and Secretary of State.

COUNTIES.	VOTE FOR GOVERNOR.				VOTE FOR SECRETARY OF STATE.				
	1891.				1893.				
	Flower (Dem.).	Fassett (Rep.).	Bruce (Pro.).	De Leon (So. La.).	Palmer (Rep.).	Mayer (Dem.).	Bogardus (Pro.).	Wright (Pro.).	De Leon (So. La.).
.....	19,598	15,371	538	341	15,160	20,384	504	170	294
.....	3,272	5,320	1,076	79	4,348	1,713	1,040	672	84
.....	5,750	7,229	684	153	6,485	4,042	705	163	150
gus.....	5,395	6,901	638	102	6,310	3,767	786	278	132
.....	5,802	7,357	584	119	6,689	3,997	647	329	158
ua.....	5,707	9,704	773	90	8,705	3,372	1,134	616	166
.....	5,756	5,036	416	85	4,201	5,469	453	234	127
.....	4,007	4,610	673	82	4,286	2,902	626	121	79
.....	4,001	4,426	103	79	5,076	2,514	179	69	62
.....	5,205	5,107	308	82	5,013	4,923	306	687	101
.....	2,886	3,984	425	57	3,376	2,052	374	133	63
.....	4,673	5,498	663	104	5,369	3,919	636	113	104
.....	8,404	8,334	642	160	8,506	7,586	637	165	172
.....	28,876	27,596	1,333	779	35,561	25,449	1,311	972	1,041
.....	2,439	3,727	182	81	3,649	1,760	178	87	73
.....	2,640	4,527	209	72	4,266	1,929	189	82	74
id Hamilton	4,320	4,653	463	81	5,545	3,494	637	133	183
.....	2,981	3,714	390	69	3,482	1,986	363	122	73
.....	3,839	3,178	284	73	3,190	3,359	296	65	66
.....	5,272	5,638	343	90	5,551	3,880	420	144	126
.....	8,063	8,431	578	101	7,759	5,421	659	159	155
.....	82,685	66,605	1,502	1,965	89,182	81,855	1,677	1,152	2,751
.....	3,545	3,654	219	64	3,408	2,788	213	76	72
n.....	3,676	4,222	475	65	3,645	2,407	404	298	68
.....	4,000	5,560	580	124	4,921	2,981	530	190	118
.....	14,783	18,653	905	436	17,283	9,247	1,025	1,312	514
ery.....	5,063	4,984	293	104	5,435	4,496	307	148	143
k.....	146,067	86,565	1,286	5,190	80,004	147,674	2,996	2,434	7,975
.....	5,796	5,300	592	116	6,016	5,013	645	396	147
.....	13,012	13,279	873	242	13,895	10,995	1,246	667	999
a.....	14,620	16,529	850	447	15,150	10,888	908	515	537
.....	5,257	5,897	355	73	5,098	3,656	435	239	91
.....	9,325	9,813	688	169	10,154	7,374	651	306	227
.....	2,969	3,887	457	52	3,302	2,299	423	76	64
.....	6,481	8,566	471	127	8,056	4,337	423	184	174
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.....	1,611	1,625	121	40	1,714	1,218	148	40	34
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a.....	4,384	2,847	265	67	2,584	3,865	253	68	70
.....	1,617	2,123	137	34	2,217	1,529	260	93	37
.....	3,176	2,685	134	46	2,384	2,444	338	84	93
.....	8,188	9,457	913	173	8,734	6,263	933	457	122
.....	5,211	5,659	480	109	5,779	4,412	501	107	152
.....	3,081	3,099	226	114	3,352	3,030	213	86	79
.....	3,084	3,859	293	36	3,253	2,123	357	98	62
s.....	3,450	4,330	313	58	3,666	2,751	571	112	77
.....	8,625	7,530	607	210	7,623	7,652	634	229	204
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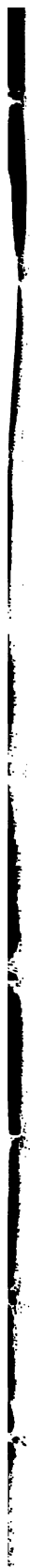
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